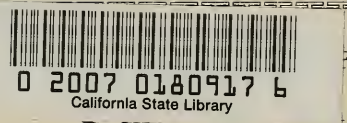
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1. Blair, A W
   Remarks on State of the Union. Feb. 18, 1861.

2. Campbell, Alexander
   Speech on the Resolutions upon the state of the Union, February 15, 1861.

3. Chase, S H
   Remarks on the State of the Union, March 12, 1861.

4. Dougherty, John
   Speech on the State of the Union. Feb. 14,1861.

5. Durst, D P
   Speech on the State of the Union. Mar. 2, 1861.

6. Edgerton, Henry
   Speech on the State of the Union. Jan. 31, 1861.

7. Edgerton, Henry
   Speech on the State of the Union. Feb. 14, 1861.

8. Fairchild, [David]
   Preamble and Resolutions on the State of the Union. Mar. 9, 1860.

9. Fargo, Frank F
   Speech on the State of the Union. Feb. 20, 1861.

10. Harriman, W D
    Speech on the State of the Union. Feb. 26, 1861.

11. Henderson, Robert
    Speech on the State of the Union. Mar. 5, 1861.

12. Kungle, Charles H
    Speech on the State of the Union. Mar. 1, 1861.

CONTD. next page

Pam. No.

13. Laspeyre, Thomas
Speech on the State of the Union.
February 16, 1861.

14. Merritt, Samuel A
Speech on the State of the Union.
February 5, 1861.

15. Montgomery, Zachariah
Speech on the State of the Union.
February 11, 1861.

16. Morrison, Murray
Speech on the State of the Union.
February 27, 1861.

17. Thornton, Harry I ,Jr.
Speech on the State of the Union.
February 8, 1861.

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STATE OF THE UNION.

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REMARKS

OF

HON. A. W. BLAIR,

OF MONTEREY,

ON THE

Resolutions upon the State of the Union,

DELIVERED IN THE

ASSEMBLY OF THE STATE OF CALIFORNIA,

Monday, February 18, 1861.

SACRAMENTO:
1861.

134505

SPEECH.

Mr. BLAIR said—

Mr. SPEAKER: I feel an unusual degree of diffidence in attempting for the first time in my life, to address a Legislative Assembly, and I hope, sir, the House will pardon me for making a few desultory and disconnected remarks, in which I propose frankly to state what I deem to be the cause of the political difficulties and dangers that so imminently surround us, and what I think is the duty of every friend of his country in this alarming crisis. And, in doing so, as I have no personal ill feeling towards any one, "I will nothing extenuate nor set down aught in malice," but I do think it is the duty of every one, to frankly state his views, without any reservation whatever. If he is for his country, its laws, and liberty, let him say so—if against it, be equally frank, so that when the fight comes, if come it must, we will know exactly how we stand.

"I am no orator as Brutus is," but a plain, blunt man, who loves my country, and am not afraid to speak and act for and in defense of my country, at any and all times, without regard to what may be the consequences to me personally. And I do sincerely thank the gentlemen from Sutter and San Joaquin, (Montgomery and Laspeyere,) for the bold, manly, frank, clear, and unmistakable position they assume upon the grave question now under consideration; and, while I differ with them entirely as to the correctness of their principles, I really admire their honesty and ability, and deeply regret that their zeal is not exerted in behalf of the honor, the glory, and unity of their country, and the perpetuation of its Constitution and liberty, instead of in the defense of slavery, secession, revolution, and a total dismemberment of our glorious Union. I was glad to see extended to them the greatest latitude in stating the causes that they think have led to the unfortunate, and deplorable state of affairs now existing in our country, and hope the like courtesy and forbearance will be extended to me, while I, in my humble way, shall briefly state what I believe to be the cause of our troubles—what the remedy is—what is the duty of the National Government—its power—and the proper course for we Californians to pursue in reference to this most alarming crisis in our country's history. And here permit me to remark, that I am not of those who despair of the continuance, the honor, the glory, the unity, and ever transcendent greatness, power and magnificence of the Republic.

I have a deep and an abiding faith in the intelligence, the virtue and the patriotism of the American people. I know, sir, that this proud Government—the embodiment of rational, political liberty—founded upon the philosophic truths of the Declaration of our National Independence—the conservator of freedom—instituted by the people for the protection and vindication of the natural rights of man—will be sustained in all its force, all its vigor and all its beneficent power; and that our glorious Union of freedom, cemented by the blood of the heroes and patriots of the Revolution, will be preserved forever and ever. There are now, sir, in every part of the Republic, North and South, East and West, millions of American freemen, with brave hearts and strong arms, ready and willing, and able to sustain the one and to preserve the other, in spite of all the wicked efforts and demoralizing influences, exerted by corrupt and unprincipled partizans—aided by a false and traitorous Federal Administration—to weaken the Government, destroy the Union, and plunge the nation into a most fearful state of anarchy, civil war, and ruin. Yes, sir, this Union will live, and expand and flourish in all its sublime beauty and grandeur, the peaceful home of millions of free people, long after the names of parties, and the name of James Buchanan, and his political crimes, and the names of his confederates and cabinets, shall have been forgotten; or, if remembered, will fill a place in history by the side of Sergius Cataline and Benedict Arnold. No, Mr. Speaker. I have no fears for my country. I know the genius and spirit of the American people too well, to believe they will ever suffer this, the world's last and best hope of freedom, to be destroyed. No! never, never! And, although the dark clouds of war now hang in dismal, dread and portentous darkness over our national horizon—obscuring in some degree the blazing sunlight of our glory, and casting a shade over the morning beams of our national peace, prosperity, and happiness, yet, sir, I trust that the clouds will soon pass away, that the shadows, and mists and fogs that surround us, will be forever dissipated; that gentle, lovely, meek-eyed peace will soon return and remain with us forever; and that from her meekness, her

gentleness and quiet forbearance, we may all learn how good a thing it is for brethren to dwell together in unity, that you and I, and all of us, including the honorable gentleman from Sutter, and my warlike friend, the honorable gentleman from San Joaquin, as well as the gallant, but mistaken sons of South Carolina, I trust, may yet repose in harmony and fraternal love, beneath the sheltering folds of the flag of our common country, there to bask in the bright sunlight of its protecting aegis, and as from the future we look back together at these times, we will smile at the folly and madness of disunion.

And I would not have obtruded any remarks of mine upon this House, pending the resolutions now under consideration, were it not for the persistent and pertinacious assaults made upon the party to which I have the honor to belong, and of which I am proud to be an humble member. I represent an intelligent and patriotic constituency, who know me well, and know that no sentiment of disunion or of disloyalty to the laws and government of my country, can ever find a place in my breast, and it is not necessary for me, as I fear some others have done, to indulge in impassioned declamation, or make a display of the tinsel glitter of a high sounding, rhetoric, and strut forth in the gaudy plumes of borrowed eloquence, to prove that I am for the Union—the Union as it ever has been, one and inseparable, now, henceforth and forever. And, as I am no politician or great statesman, like my friend the distinguished gentleman from Sierra is, or certainly will be so soon as he completes the annihilation of the Black Republicans of California, as effectually as he did those of Ohio, and as I desire neither fame or notoriety, I would rather have voted silently and quietly upon the resolutions, and in favor of those reported by the majority of your Committee on Federal Relations. And, sir, I would, in view of the all important duties at this time required of us, be glad if we all could forget that we are partizans of any kind; forget entirely that we are either Democrats or Republicans, from the North or the South, the East or the West; forget that we were born upon either native or foreign lands; and remember only that we are American citizens, patriots, who love our country and are willing to serve her now in the time of peril and threatening dangers. Yes, sir, the preservation of the Union, the maintenance of the Constitution and laws, and the very existence of the Government itself, rise far above everything of a mere partizan character, and should command all our consideration and attention. And I did hope that all the friends of the Union—of every party, name and creed—would act harmoniously together, and long ere this, have sent the voice of California, speaking in thunder tones for the Union, and in favor of enforcing the laws, and maintaining their dignity, to cheer and comfort our brethren in the East, who are battling for our country. But there seems to be a disposition with some, like my friend from Sierra, to talk much and profess great love for the Union, yet propose to do nothing, who are more ambitious of becoming famed and notorious for abusing, misrepresenting and denouncing their political opponents, than they are to give expression to the real Union sentiment of California. The honorable gentleman from Sierra, in particular, seems to be overflowing with all the gall and bitterness of the most intense hate against that party, and that people—who it seems were unable to properly appreciate his able and distinguished ability, zeal and efforts in behalf of Democracy—and he will pardon me if I suggest, that perhaps the same arguments, the same speeches, the same false charges and bitter denunciations, heaped upon the Republican party, that failed, in years gone by, to frighten into, or convince the patriotic, freedom-loving people of Ohio, of the moral and political excellencies of the sublime doctrines of modern democracy, will avail nothing with the intelligent, patriotic, and union-loving people of California; but, perhaps, he can console himself with the reflection that republics are ungrateful, and that within the last four years many wiser and better men have been crushed beneath the ponderous crimes of the democracy, and trampled beneath the feet of the ever onward and victorious hosts of Republicanism.

> "Full many a gem of purest ray serene,
> The dark unfathomed caves of ocean bear,
> Full many a flower is born to blush unseen,
> And waste its sweetness on the desert air."

I hope, however, the honorable gentleman may long live to regret the useless, unnecessary, and ungenerous abuse which he showered down so profusely upon the northern people, in general, and those of the noble and glorious State of Ohio, in particular. Others, as my friends, the honorable gentlemen of Sutter and San Joaquin seem entirely to forget their country in their zeal to defend all the acts and principles of their party. They seem to think the Democracy can do no wrong. And, sir, when members of this House will, through ignorance or purposely, attempt to attribute to the Republican party all and the sole cause of the manifold political evils that disturb the peace and prosperity of the country, and most flagrantly misrepresent the principles, motives, and objects of the party, I cannot remain silent; to do so would be doing injustice to myself, and to the party that I, in part, here represent. We are charged, sir, as being the cause of all the trouble that distracts the country; of being false to our obligations as citizens—unfriendly to the union of these States—violators of the law, and unfriendly to our Government; and these charges made, too, in part, by men who are, to some extent, indebted to Republican votes for their places in this Assembly; and who prate loudly for the Union—profess to be workers of political righteousness—lovers of freedom—pure patriots, and honest men: still they voted for James Buchanan; and even now, have the unblushing effrontery to cry great is Democracy.

> "Oh, for some power the giftie ga'e us,
> To see oursels as ithers see us,
> Frae mony a fault 'twould free us,
> And foolish notion."—

That those who are the open and avowed advocates and defenders of secession, rebellion, and a violation of the Federal laws, should denounce the Republican party is not strange. That those who hate freedom, despise liberty, contemn virtue, sneer at truth, and justice, and humanity, and plead for the universal extension and nationalization of slavery—that withering, blighting curse of our country should become frantic in abusing all Union men, does not astonish me. That those men, sir, who are the supporters and admirers of the man and his political acts, who for four years has disgraced the high and honorable position in this Government, that ought to have been filled by a President of this great

nation, should forget all rules of propriety, decency, and decorum, in their zeal to opppose any party that is the favorite choice of the people is just what every one expects who knows them. But that these anti-democratic Democrats, who claim to be, *par excellence*, the Union men, who can scarcely be restrained from rushing to arms, and seek a bubble reputation at the cannon's month, by at once putting to the sword the whole Southern people, sparing neither age, sex, nor condition, and who at once become warlike at the very mention of compromise, conciliation, or peace; and who so much delight in making a display of their very wonderful powers of eloquence, by declaiming and rehearsing old republican speeches; and who out-Herod Herod, by by boldly avowing the most ultra Republican doctrines—who claim to be Douglas men, and yet repudiate Douglas and all his principles (if he ever had any) why they so intensely hate the Republican party, I do not so clearly understand. Of this, however, I will not complain, and hope we can survive their bitter opposition, and that hereafter they will have the delicacy not to beg for our votes. And hope we will be permitted to console ourselves with the reflection, that, whereas "evil communications corrupt good manners," therefore we are in less danger of falling into that degree of political corruption and licentiousness that has caused the decline, downfall, and ruin of the once powerful Democracy. I will not insult the dignity of this House by replying especially and seriously to all the absurd charges that have been made against the Republican party. The very distinguished gentleman from Sierra has, among other things, gravely informed this House, that we have threatened to inflict upon the delectable Democracy, upon our advent to power, a pure Judiciary, by appointing to the Supreme Bench of the nation men of pure moral character, and undoubted integrity and legal ability, who will administer the laws justly, impartially, and in strict accordance with the Federal Constitution. Now, I have no doubt, sir, this is a catastrophe greatly feared by the Democracy, and that they all feel an involuntary twitching about the region of the neck, at the bare thought of such a dire calamity, so true is it, "that conscience makes cowards of us all." And the honorable gentleman from Sutter with a *naivete* that would do credit to the most charming simplicity, has, from his place in this House, informed the whole civilized world that the Republicans "steal niggers," that millions of his fellow countrymen, American citizens, are thieves and robbers—but never a word did he say about the money, and arms, and forts, and arsenals, and munitions of war, that have been taken from the Government by the office holders of the present most pure and honest democratic administration to be used in revolutionizing the Government they were sworn to sustain, and to destroy that very Union for which the gentleman himself professes so much love and veneration! No, the truth is, we never stole a nigger. "Nary a nigger, sir!" The truth is, such ridiculous nonsense does not merit a serious notice. Can you show a single word or sentence, or proposition, ever uttered or published in any speech, platform, or political creed of the Republican party that is not in strict accordance with the plain principles of the Federal Constitution, the Declaration of Independence, and the well known political sentiments of the founders of the Republic? Have we not always and uniformly in all our platforms of principles, in every part of the Union, frankly, clearly, most emphatically, and unmistakably proclaimed our devotion to the Union of these States, and our unfaltering, unwavering allegiance to the Constitution and laws of the Government, and our readiness to preserve, enforce and defend them? Are we not now, as we ever have been, from one end of this Union to the other toiling, working, pleading for, and demanding that this Union shall be preserved—the Constitution maintained in all its integrity, and the laws of the Federal Government faithfully executed in every part of our wide extended Confederacy? Yes, sir, the Republican, is the great Union party of the nation, and will ultimately be sustained by the people of all sections of our common country, and will preserve the Union of these States by a firm, just, wise, and prudent administration of the Federal Government, according to the Constitution as it is, and by a strict enforcement of the Federal laws every where—by maintaining the rights of all the States, and all the people thereof, and by promptly bringing to punishment all persons be they few or many who are guilty of any infraction of the Federal laws, whether they are the deluded, crazy, anti-slavery fanatics of the North or the insane madmen—the ambitious pro-slavery, "rule or ruin" secessionists of the South. I have never yet, sir, known or heard, or read of any member of the Republican party any where, or at any time, utter a sentiment other than that of fealty to the Union and the Constitution. No Republican has yet, either in or out of office, threatened, favored, or proposed disunion, upon any terms or contingency whatsoever; nor have I ever known, heard or read of any Republican who is in favor of altering, changing, amending, modifying, abridging, or evading our Federal Constitution, or any of its provisions, obligations, or requirements, or engaged in violating the laws of the Federal Government, or using force in opposition to their execution. But there is not a disunionist or secessionist in America but what is a Democrat, and all the great leaders of disunion are Democrats of high standing, who, for many years, have held high office and position in the party. In the Republican party you find the *literati* of the country and the age—historians, poets, and philosophers—names illustrious in the annals of literature, of science, of art, and all the refinements of a highly cultivated and enlightened civilization—the pride and glory of their own country, and the admiration of the whole world. Yet, where in all the published works of learned, eminent, and distinguished Republicans—in music, and song, and poetry—in history, philosophy, and ethics—in every department of literature, science, and art, can you show me one sentiment against the honor, the glory, or institutions of our country?

Go into your marts of business, among the doing, working, industrious classes of your society—among the farmers, mechanics, and business men of your country—those who make and build up your prosperity, and push onward the car of progress and there you find the Republican party predominant. They are of a class of people, sir, who have everything to lose and nothing to gain by revolution. Are they sectional, treasonable and lawless, or are they not? Among what class of people and of what political party, are found the revolu-

tionists, the disunionists, and those who are in arms against the laws, and your government? I will not insult you, sir, by directing your attention to the people, and those places where Democracy reigns supreme. But, sir, I will submit that in the city of New York alone (to say nothing of South Carolina and other intensely Democratic States) there have been more mobs, more lawless outbreaks, more violations of the law, more outrages committed upon the rights of persons, and the Federal and State laws set at defiance to a greater extent by Democratic mobs, led by Democratic office holders, under a Democratic administration, than were ever perpetrated in all the Republican States of the Union.

Yes, sir, Rynders, and his gang of lawless Democrats, have outraged law, and order, and decency, and trampled upon the rights of individuals, and set at defiance the laws of the country, both State and Federal, to a greater extent than all the Republicans in the whole nation has ever done, yet he is a good Democrat, and the pet favorite of that man who is the *beau ideal* the *ne plus ultra* of perfection, he embodiment of all the virtue of a Democratic President! Let therefore no minion of power, no bold advocate of slavery, no haughty defender of the anarchists who are now in arms against the government and liberties of their country, dare say that we did it. Don't come to me within the bright blaze of the civilization of this nineteenth century, with stale and untenable arguments drawn from the obscure and fabulous history of a barbarous people of antiquity to prove the natural, moral, and divine authority for slavery, in order to justify the madmen who are now trying to overthrow this government, on the pretext that it is the only salvation for slavery. Don't come whining around me with the Bible in your hands, and treason in your hearts, and say that slavery is a divine institution—that it is the work of the Great Ruler, and Divine Architect of the universe, and in perfect harmony with the genius and spirit of modern Christianity and civilization. I tell you the divine right of slavery is as absurd as the old exploded doctrine of the divine rights of kings. That is played out. No accursed tyrant has ever yet lived upon earth, and crushed with his iron heel the liberties of a free people, or walked up to a throne upon the sculls of men but what urged the same divine right and authority in justification of his wicked deeds, as is urged upon this floor in defense of slavery, disunion, anarchy and civil war! It is the same argument of the pro-slavery libertines and polygamists of Salt Lake.

No, sir, I for one will never consent to substitute the tyranny, and ignorance, and vice, and slavery, and loathsome barbarism of three thousand years ago, for the freedom, and learning, and virtue, and liberty, and refined and enlightened civilization of this proud era in the world's endless history.

Again, sir, if the Republican, in any of its principles, doctrines, attributes or tendencies, is a sectional party, then, sir, is the Constitution itself, the Declaration of Independence, and the political doctrines upon which our government is founded all sectional! But, sir, it is a national Union party—the conservator of freedom—order, law and the Constitution; and the only party that is powerful for good, and that can save the country from the dangers that now threaten our government with destruction. And with that good man, that pure patriot, prudent, just and wise statesman, Abraham Lincoln, President, this party will be found fully equal to the performances of all the great important and responsible duties required and expected of it by a just and confiding people. The fires of disunion will pale before its power, and the spirit of secession be crushed by it forever. And when some future Macaulay shall write the history of these times, and describe in lofty phrase the perils and dangers that threaten the peace, and future existence, and unity of the Republic; and trace the causes in all their various combinations, link by link, that conspire to bring this country, its Union and government to the brink of eternal ruin; and portrays in sorrowful words and gloomy thoughts the manifold crimes of the Democratic party, its utter demoralization and unbridled licentiousness—its dissolution and final extinction, and as he turns with sickening heart and wearied brain from the relation of its vile deeds, his soul will catch a new inspiration, and with glowing words and burning thoughts, and in eloquent language and majestic style, and with a heart exultant with emotions of patriotic pride, he will write the history of the rise and growth of the Republican party, that by its unselfish patriotism was the salvation of his country.

The truth is, the Republican party has opposed the reckless licentiousness and unparalelled political corruption and wickedness of the Democracy—"Righteousness exalteth a nation, but sin is a reproach to any people."

For the last eight years Republicans have manfully stood by the Constitution and the Union. As true patriots they have sacrificed everything—wealth and offices, and honors, and the high places in the nation to save their country from the shame, and degredation, and slavery, and ruin, that has been brought about by the Democracy. And Republicans, too, like the fathers of the Republic, hate tyranny, and wrong, and oppression, and love freedom. We know that what our fathers told us of slavery is the truth. We will, therefore, obey the truth, just so long as the names and memory, and principles of our fathers are honored, and loved, and cherished, and held in grateful remembrance.—Hence, your unholy war upon freedom, and the free States. Hence, the efforts to circumscribe freedom, and to extend and nationalize the accursed institution of slavery. Hence, your undignified denunciations of us. If it is a fact, as asserted by those who are the advocates of slavery, rebellion and disunion, that slavery is the one great and saving principle of our Christianity and civilization—and that it exercises upon society an effect so elevating, refining and ennobling, why do not they who are the gentlemen, the scholars, the refined and cultivated slavery-nursed scions of that aristocracy for the establishment and extension of which they are now waging war against the Union, the Constitution, and laws of the Republic; why, I say, do not they show us here living examples of the refining, the chastening, the ennobling, the elevating and christianizing effects of that great institution for the support and protection of which they seem to think this government was alone made, And I regret that they so far forgot the rules of propriety and decorum in their zeal for slavery, as to assert and publish to the world, as the truth and sentiment of Democracy, that at least twenty millions of their fellow countrymen, American citizens are thieves, and liars, and perjurers. Yet such is what

the Democracy here proclaim of all the Republicans in the United States! May I be permitted here to console myself with the reflection that the character of the Democracy for truth and veracity, is perhaps not quite so good just at this time as what it might be. Now, sir, I assert that the sole cause of the manifold political evils that beset and surround us is the false political doctrines and teaching of the present Democratic party. I do not assert however that every man who acts with the party is really a disunionist and secessionist, who wishes to revolutionize and destroy the government of his country; because I know many good men have acted with that party, who are true patriots; but have been deceived by the party managers, and had they known the real designs, intents, and purposes of James Buchanan and his fellow conspirators, who made him President, they would loathe, abhor and despise the very name of Democrat. Are not all his cabinet officers—his intimate friends and confidential advisers—and all those who were instrumental in getting him nominated and elected President, at this very moment in arms against the government? And are they not all guilty of treason? I believe, sir, that James Buchanan was nominated and elected President by the influence of a few political managers expressly with the intent to overthrow and destroy this free government.

There are, sir, unfortunately for the peace of the world, in all ages and nations men of inordinate and unhallowed ambition, who are ready at any time to rebel against the regularly established order of things, unless *they* are the rulers, and their vanity and ambition gratified by being the dictators of their fellow beings. We find a fine illustration of this in Milton's Paradise Lost. Even in Heaven—in those regions of supernal bliss were found those to rebel against the great Creator and Ruler of the Universe, and against the harmonious and eternal laws that govern the same in such wonderful, beautiful, sublime and incomprehensible perfection.—And there too were found great leaders; beings with hearts vile and wicked enough to conceive, and minds, and genius, and stratagem, and wills sufficient to devise and execute this grand and damnable treason. Treason, sir, against the government of high Heaven. The treason now being committed against the Union and government of these States, is the result of a like ambition—a like desire for power and dictatorial authority; and like that, too, will be a magnificent failure—will end in despair and misery; the men whose wicked hearts have conceived it, will be overwhelmed with confusion, shame and disgrace, and they will finally sink down, "unwept, unhonored and unsung," into that hell of oblivion from which there is no resurrection; remorse shall feed upon their vitals forever; the curses of their country will follow them through all time; their names will be a hissing and a bye word among the nations; and will be handed down by history through the annals of time as a fearful warning to all who would raise their impious hands against the sacred shrine of freedom! And finally, sir, they will be consigned to the dominions of that king of traitors, whose example they seem ambitious to follow.

About thirty years ago was developed the existence in our country of a few men who permitted their ambition, and desire for place and power to so get the mastery of their nature, and exercise such an influence upon their minds, that they resolved to rule or ruin their country. But failing in their schemes to control the Government—rejected by the people for the highest offices in the nation, and having their pride deeply wounded, they conceived a bitter hatred toward the American people, their government, liberty, and laws; and they madly resolved to destroy the former by refusing obedience to, and setting at defiance the latter. But fortunately for the country, a just, prudent, wise and firm patriot was then President, surrounded by good and wise men devoted to freedom and their country. In a word, sir, Andrew Jackson and not James Buchanan was then President of this great nation. The plan of the conspirators was defeated. Nullification was crushed to the earth; and the peace, and harmony, and prosperity, of the country fully restored. The power of the government was clearly asserted and most successfully maintained; the dignity of the law upheld and vindicated in all its supremacy; the union of the States and the national Constitution preserved in all their pristine integrity; the people then decided this government to be a unity—a perfect nation with full power to preserve its own existence; exact, demand and enforce obedience to all the requirements of the Constitution, and to execute its own laws every where within the bounds of the Republic. The conspirators for a while fell into comparative obscurity.—Nullification became synonymous with treason, and its advocates were soon forgotten by the people and lost sight of in that retirement to which public opinion had banished them. Though ostracised by the people yet their restless ambition would not permit them to be idle.

Goaded by remorse—smarting under the bitter sting of blasted hopes and disappointed ambition—burning with hate against the people who so signally defeated their grand scheme of nullification and disunion, and actuated by the foul spirit of envy and revenge, they resolved to ruin their country by demoralizing the people, destroying virtue and promoting general political licentiousness. They insidiously imbued the minds of the slave nurtured young men of the South, with a hatred to the General Government, and the free States, by representing them as enemies to them, their interest, and domestic peace and tranquility. The more ignorant but honest non-slaveholding classes were to some extent deceived into the belief that the Northern people are their enemies, proud overbearing and insolent. To the politicians of the North and West, these wily managers held out the hope and promise of wealth, of honors, of offices, and of fame, and the high places in the nation. They stealthfully crept into the Democratic party, and while professing a love for the Union and fealty to the Constitution, they were insidiously working to undermine and destroy both, by representing one to be inimical to the South, and the other as exercising an undue restriction upon the rights of the States. Slavery was made the grand pretext for their wicked designs. The passions and prejudices of the poorer and more ignorant class of people were excited against their Northern fellow-citizens, by being told continually in political harangues addressed to their passions, that the North is their natural enemy, and intends, when in power, to reduce them to the condition and social equality of the despised African negro. State pride was appealed to. If the

citizens of a Southern State wished to engage in the African slave trade—make war upon a neighboring nation—or carry their slaves into the free States and Territories, why should any body complain, or the General Government prohibit them from so doing? Is not their own State completely sovereign? Why should they not do as they please every where, as under the laws of their own State? The Democratic party being all potent in the North West, and most of the Northern States, it filled all the offices of the Federal Government—demanded the most implicit obedience to party behests, and by the power of king *caucus*, ruled with an absolutism, little inferior to that of a Russian Czar, and alas! in many instances, more despotically—more tyrannically—more arrogantly and more regardless of the laws of the country and the rights of the people. And this great party, successful and victorious every where, soon had enlisted beneath its banners, all the nullifiers—all the men of all parties and of all sections of the country whose love of power was greater than their patriotism. Men, sir, who would rather rule in Hell than serve in Heaven. These men controlled the party, and they, sir, were controlled entirely by the pro-slavery nullifiers and disunionists. And the party then soon abandoned the principles to which it was at first indebted for success—forgot the lessons of Jackson, and Macon, and Wright, and Benton, and other great men who founded the party. The people lost, to some extent, under Democratic teaching, the respect and reverence due to the Government—its principles and the illustrious names of its founders. It was insidiously hinted by the acknowledged leaders and expounders of modern Democracy—Democratic writers affirmed, and Democratic preachers tried to prove that Jefferson was a selfish, unprincipled demogogue; that Franklin, was an impractical abstractionist; that the glorious truths of the Declaration of Independence are mere glittering generalities; the idle dreams of a visionary theorist; that freedom and liberty, and right and justice and humanity, are nothing but high sounding words; the vaporings of a diseased imagination or the meaningless expression of a sickly sentimentality; that governments are instituted for the protection of property, and not the rights and liberty of the person. And they taught, sir, that slavery is right *per se*—the just, natural and normal condition of man! Doctrines abhorrent to every true American heart; contrary to every sentiment of humanity and liberty, and directly opposed to the principles upon which our Government is founded. And this modern Democracy of to-day has been aided in all the mad schemes for the overthrow of this Government, by a set of crazy Abolitionists, who denounce the Constitution—that sacred *magna charta* of American freedom, as a "league with hell;" blaspheme the name of Washington, and like the modern Democracy now are, and ever have been, the bitter enemies, slanderers, and traducers of the Republican party. In 1852, by the election of one Pierce to the Presidency, the present Democracy firmly established itself in power, which culminated on the election of the present wonderful, respected and greatly distinguished Democratic Chief Executive Magistrate of this now, broken, dismembered, but ever glorious Republic! How very strange, then, that the all powerful Democracy, with so distinguished a man President—with all the offices, all the money, the navy, the army, the courts, the whole power of the Government, would permit the "Black Republicans," who who have no official power, nor honor, nor office—nothing but the proud privilege of paying high taxes for the Democracy to squander, to cause all the evil that has befallen us!

The Democracy, sir, filled all the offices in the Republic with men of their own party organizations. Men, sir, selected not for their fitness; not for their qualifications; not for their virtue, their learning, their integrity or their patriotism, but for their blind zeal and unscrupulous devotion to party and party dictation. Peculation, embezzlement, fraud and official corruption have been secretly connived at, and encouraged, if not openly practiced and defended by the President, his Cabinet, and all his Democratic officials. New offices have been created, not because the public necessity required it, but to give official place to partizans as a reward for the commission of political crimes; the public revenues have been uselessly squandered; taxes increased and made a burden to the people; extravagance, dissipation and political licentiousness promoted by the Democracy, both in Federal and State Governments. Political crime has become so common under the present purely Democratic Administration that the people learn to look upon it as a matter of course, and finally lose all confidence in Government. The Government, sir, under the present most intensly Democratic Administration, has failed to protect our citizens either at home or abroad; failed to execute the Federal laws; failed to preserve order and tranquility; but has most unjustly used the army against our brethren, the free people of Kansas, in a vain attempt to subjugate them, crush their liberties, and force upon them the loathed and hated institution of African slavery. More than this, sir, the present Democratic party, with all the offices of the Federal Government; with one hundred millions of revenue per annum; with the whole army and navy at its command, has, through cowardice, imbecility and inefficiency, failed to enforce the Fugitive Slave Law, but purposely permitted it to be set at defiance by free negroes and other lawless Democrats, to give the South an excuse to withdraw from or destroy this Union. This party has encouraged and promoted armed invasions against the institutions of one State by people from another; has fanned the flame of civil discord; created hate and animosity between the North and South instead of promoting peace and harmony. And the Democracy having done all this, and a thousand times more of political wickedness, now, having just been condemned by the voice of the American people, and openly at war against the Union; and literally reeking with the political crimes of the last eight years; now, with an audacity that would have made Cataline blush with shame, charge upon the Republican party—a party that has never been in office; had no legislative, executive or judicial power in the Government—as being the cause of all this wide spread evil! "Oh, shame, where is thy blush!" In reading the history of the Punic wars—the wars between Carthage and Rome—we find the youthful Hanibal taking a solemn oath of eternal hostility to Rome. For her destruction he lived and thought and toiled; for this he climbed the ladder of greatness, and stood upon fame's dread pinnacle, and saw

Rome at his feet, trembling for her fate, upon the very brink of destruction. Yet Rome survived and Hannibal sunk down to the grave in sorrow, the victim of the most bitter disappointment. But Rome was the enemy—the proud rival—the threatened destroyer of Carthage. Before her proud eagles and conquering legions had gone forth the dread fiat "*Delenda est Carthago.*" How natural then that the gifted and promising young Carthagenian should swear hostility to the enemy of his country and his father's kingdom. Now, sir, if you will permit me to draw upon the imagination for a sort of application of this historical fact to these times and our own country, we will suppose that James Buchanan, when a youth, took a solemn oath to destroy the Government of his native land —a land upon which the blessings of Heaven had been showered in the greatest profusion; a country young in the history of the world; a nation just bursting forth into existence, amid the bright blaze of modern civilization and enlightened christianity; a land of liberty; the peaceful home of freedom; the bow of promise, and the bright rainbow of hope to the whole world of mankind. For the destruction of this he lived and toiled and planned; denied himself of all the happiness and sweet pleasures that flow from love and friendship and domestic bliss; cut himself loose from all the tender sympathies, endearments and humanities of life, and lived a cold, proud, selfish and lonely life, unloving and unloved. For this he climbed the slippery paths of fame; achieved wealth and honor, and office, and a great name. Finally, he became the Chief Magistrate of this great nation—occupying the proud position that had once been filled by Washington, a Jefferson, and a Jackson. He called to his counsels the worst men of the country—enemies to liberty—men who hated the very name of freedom, and who purposed to destroy this Government. By these men the arms and money of the Government were placed in the hands of enemies, conspirators, and traitors, in order to destroy that very Government they were intended to protect—devastate her fair fields; make desolate her proud cities; murder her people and destroy her freedom. The war has actually began; the tyrants have already fired the temple of liberty; the fate of the country is trembling upon the very brink of that deep hell of ruin which these men had prepared for her, when lo, the people see that they are betrayed by their rulers, and at once rush to the rescue of their country, and by them it is snatched from impending ruin. The power of the traitors is crushed and destroyed forever. And that old man who has lived but to disgrace his country, sinks down to a dishonorable grave, the victim of disappointment and remorse, hated of all the world, as the enemy to the liberties of his country. Yes, sir, I assert that the Democracy has caused all these evils, and now, sir, repudiated by the people—hurled from that power it only abused, and disgraced and disappointed in its mad schemes for the overthrow of freedom, and now, in behalf of slavery, you attempt to destroy that very Government that has enriched and honored, and promoted you. You make war upon the people who have fed and nourished, and nursed you into political consequence—a people, sir, who entrusted you with the administration of their laws, and confided to your guardianship and keeping, their most sacred rights and liberties. But you have betrayed every trust; proved false to every obligation; been recreant to every duty and forfeited all right to respect or confidence. Therefore go into that retirement to which the people have justly consigned you, and in the peaceful quiet and silent walks of private life learn that even in politics "honesty is the best policy."

Now, sir, what is the proper course for all true patriots, who love their country, and are resolved to preserve the Union at all hazards, to pursue? to avoid the dangers that are impending over us. Why, sir, rally around the Republican flag of the incoming Administration; give it a cordial, a hearty, a patriotic support in all its just and constitutional efforts to restore peace and harmony and prosperity to our loved but distracted country. The people every where, in all sections of the country, who are determined to maintain inviolate the principles and government of our fathers, are rallying under the broad banners of National Republicanism. The sympathy of the whole civilized world is with us. All good men every where oppose the secession and disunion that the Democracy has brought upon us. The genius of freedom, liberty and humanity cheers us on, and bids us God speed. The spirit of christianity is with us, to inspire us with hope and faith and courage, in the prosecution of a noble work.

Beauty waves her magic hand and wishes us success. Woman, gentle, humane, lovely, and *union*-loving woman, is aiding us with all the omnipotence of her gentle and kindly power. And there is yet another power with us—a power that gives shape, and tone, and character to civilization. A power, sir, that is ever on the side of truth, liberty, justice, and humanity—an omnipotent, irresistible, inexorable power—a power that is the boast and pride, and glory of freemen everywhere; but the terror, of the demon, the evil genius, and destroyer of all tyrants and wicked rulers of the earth—a power, sir, that makes monarchs tremble in their capitals, and causes the cheek of despotism to turn pale, and the cowardly heart of injustice and oppression to sink with fear; and this power, sir, is the free, enlightened, and independent press of the country! What, then, can you hope, oh, wicked democracy, from your mad schemes against the Union and government of your country. Abandon them now, and come back to your country, before it is too late.

You cry peace when you have commenced war. You arm yourselves in an attitude of deadly hostility against the Government that only yesterday, as it were, you took a solemn oath to sustain, and then say that Government has no remedy, is powerless. You strike the first blow, and then cry for mercy. You murder our citizens, and then tell us we have no right to resent it. You capture our forts, steal our money, and take away the arms and munitions of war that belong to us, and then coolly tell us we have no right to recover them. You insult our flag, and tell us we have no right to vindicate its honor. If you love the Union, why make war to destroy it? If you respect the Constitution, why do you disregard it, and ask daily that it be essentially and fundamentally changed or else destroyed entirely? Buchanan may tolerate and even assist you in your treason, but the American people will finally reward you justly. Yes, you the secessionists—*the* Democracy—have made war upon

us, upon our people and Government, war against freedom and liberty, and the union of these States, and upon your heads rest the consequences. We are for peace just so long as peace is possible. We will sacrifice everything but honor, or the vital principles of our Government, rather than have a fratracidal war. But, if even now, while we are here deliberating, some ambitious Caesar has already crossed the Rubicon of our fate, and sealed forever the destiny of this, our greater than Roman republic, as our past is most glorious, and our country covered all over with the battle-fields of freedom, before we fall, there shall be another conflict—a conflict unequaled in the annals of warfare ; it may be, sir, the last, dying struggle of the republic, but America then, as well as Italy, will have her Pharsalia. And if upon that battle-field is heard the last expiring shriek of freedom, and liberty is struck down to the earth forever, I want no higher fame, than to be the Brutus to strike a dagger into the heart of the tyrant who struck the first blow at the American Union! This Union, sir, is a sacred heritage of freedom, handed down to us by our fathers, and we will stand by it, and defend it with our very lives. Before you can destroy it, and the blessings of liberty, it is intended to secure, you must destroy us :

> "What, though destruction sweeps these lovely plains,
> Rise, fellow-men, our country yet remains.
> By that dread word, we wave the sword on high,
> And swear for her to live, with her to die."

Cease, then, for you war in vain. In the mad contest, you have thus commenced for the destruction of this Union and Government, you will only ruin yourselves, desolate your country and entail degradation and misery on your children ; and they will curse you to the latest generation.

We have made no war, violated no law, done no wrong. You have actually commenced war, and declare your intention to prosecute it, but if you do, let me tell you that as the smoke of battle clears away, the flag of the Union, and not that of treason, will be seen floating triumphantly from the St. Lawrence to the Rio Grande, and from the Atlantic to the Pacific ; and as the dread roar of battle dies away, will be heard throughout the land, the exultant shout of freedom, of "liberty and Union, one and inseparable, now and forever." You then—the secession Democracy—have made war upon the Government, now what is the Government to do? It must sustain itself, enforce the laws, preserve order, and exercise, unimpaired, all its proper and legitimate functions ; and in so doing, must act wisely, with forbearance, moderation and prudence, but calmly, firmly and effectually. I am not for war if it can possibly be avoided. I am for peace if peace is possible to be obtained, without the sacrifice of any fundamental or essential principle of our Government. But to affirm that our Government has no power to preserve its own existence and to enforce its laws, is a most fatal and shallow sophistry. That it does possess full and ample power in this respect, is not only clearly proved by all the circumstances of our formation, and the very nature of Government itself, but, by the testimony of all our wisest statesmen and most profound jurists. It is the duty of the people, then, everywhere, to aid the Government in the exercise of its legitimate power. The Union is greater than party. Party is nothing ; our country, everything. We intend to preserve the Union and maintain the Government in all its integrity ; and will not permit it to be overthrown ; but before, we will be forced into a war, we will make every concession and sacrifice, not inconsistent with our principles or our honor. We would do this, even, to avoid a war with a foreign country, how much more then to avoid a war with our brethren at home! We are not for coercion, we are for peace, if we can have peace. We will exhaust every means of peace before we will voluntarily go to war. We will act on the defensive ; you are the aggressors; you have taken arms against the Government, yet we implore you, by all the sacred ties of kindred and a common brotherhood, by all the glorious struggles and trials and recollections of the past, in the name of a common country, and in the names and by the sacred memory of our fathers, whose ashes are mingled together on every battlefield of America, for the sake of humanity, for the sake of your children and country, we implore you to stay your mad resolves, lay down your arms, and come back to us and the Union, and let us all be friends, and brothers and countrymen. We will give you every assurance that your rights will be fully recognized, and receive all legitimate and Constitutional protection to the utmost extent.

The gentleman from Alameda asks by what authority I dare speak in favor of peace and conciliation, Now, with all due deference to the gentleman himself, I am as good authority as anybody. It is not the doctrine of the Republican party, so far as I know, to make war upon any State, nor the people of any State, nor to war against the rights of any body. But it is our determination to maintain the Union if we can, and to administer and execute the laws of the Government fairly and justly everywhere. The greatest statesman and most eminent, wise and good man in the world is for peace —as are the other great Republican statesmen of the East—and to him permit me to apply the words of one whom I love as a man and admire as a poet :

> "Statesman, I thank thee!—and, if yet dissent
> Mingles, reluctant, with my large content,
> I cannot censure what was nobly meant.
> But, while constrained to hold even Union less
> Than Liberty and Truth and Righteousness,
> I thank thee in the sweet and holy name
> Of peace, for wise, calm words that put to shame
> Passion and party. Courage may be shown
> Not in defiance of the wrong alone;
> He may be bravest who, unweaponed, bears
> The olive branch, and strong in justice, spares
> The rash wrong-doer, giving widest scope
> To Christian charity and generous hope.
> If, without damage to the sacred cause
> Of Freedom and the safeguard of its laws—
> If, without yielding that for which alone
> We prize the Union, thou can'st save it now
> From a baptism of blood, upon thy brow
> A wreath whose flowers no earthly soil have known,
> Woven of the beatitudes, shall rest;
> And the peacemaker be forever blest!"

Wisdom and moderation should govern us in everything, especially in a matter of so great moment—a subject, sir, upon which depends peace or war, and perhaps the unity and continuance of our Government, and possibly our very liberties. Under such circumstances, no wise and patriotic man will lightly jeopardize the peace and harmony of the country, or the safety of the Union, merely for the sake of exhibiting a commendable party zeal,

or to gain the rather doubtful reputation of patriotic bravery. We must act, in reference to the state of affairs, as they actually exist, with prudence and forbearance, and so as to restore fully the union, and harmony and good feeling among the various sections of our country, that has been destroyed by the Democracy. We have not caused the trouble, and can afford to be conciliatory, forgiving and magnanimous.

The duty of California is clear, to support, adhere to and defend the Union, and maintain the Government in the exercise of all its legal powers. And our opinion in this respect, is of vast importance. California occupies a stand-point essentially different from any other portion of the nation. Her citizens are not only composed of people from every State in the Union, but of people from every nation in Europe. We might, as a State, be properly called a vast world's convention, and this legislature a select committee of that convention, on the state of the Union. From the North and the South, the East and the West, from Hibernia's green isle, from old Scotia's Northern battlement of hills, from philosophic Germany, classic Italy, renowned and glorious old Spain, chivalrous France, imperial Russia, and noble, proud and freedom-loving old England, are the people of California, all American citizens, and all equally interested in the preservation of the Union, and all equally interested in the benefits that flow from the administration of a just, wise and free Government. The voice of California, then, not only expresses the opinion of the whole American people, but that of the whole civilized world; let us, therefore, speak out at once, in language so plain and emphatic, as not to be misunderstood, the sentiments of the people of California, which you all know to be in favor of the preservation of the Union of these States, and the maintenance and enforcement of the Constitution and laws of the National Government. California is not for disunion upon any contingency whatsoever. No man in the State—unless he is either a fool or a knave—is in favor of what is termed a "Pacific Republic." California should cling to the Union as long as any fragment of it remains; and she will support that Administration and that Government that is acting legitimately, under the Constitution. And wherever the proud banner of the Stars and Stripes—the flag of our country—leads, there will the people of California follow. Under that flag will they live, with it will they perish. Traitors can receive no aid and comfort from these shores.

And here permit me to correct the gentleman from San Joaquin, by saying that it is not the *South* but *slavery* that is and ever has been, excluded from the Territories of the United States. Virginia prescribed freedom as a condition of the grant of the great North-Western Territory to the General Government. And if the gentleman had ever traveled over the great States formed out of that magnificent domain, he would have well understood that the *South* is not excluded. The Southern people are settled all over the country from Ohio to Minnesota, and their wealth, and enterprise and intelligence, laid the foundation and built up this great empire of freedom and free States. The sons and daughters of the South, are every where to be found throughout the North-West, in every useful and honorable station in society, true to the interests and cause of freedom; they swell the ranks of the great republican army and march only to the music of the Union. And no other State in the whole Union has contributed so much to the cause of freedom and Republicanism in the North-West, as the gentleman's own native State.

Gentlemen talk much of their love, and fealty and devotion to their native State. I too, sir, hail from a State that I love, and of which any one may well be proud. A State, sir, the history of which is most glorious, and replete with evidence of the bravery and patriotism of her sons, and their unselfish devotion to the cause of liberty and their country. The State, sir, upon whose virgin soil, the gallant and accomplished Raleigh planted the first English colony in America, upon whose soil the first Anglo American child was born, and the early Constitution of which was impressed with the genius of a Locke and a Salisbury. In this State, sir, was drawn the first sword and fought the first battle against British oppression and tyranny, for the attainment of those very liberties we now enjoy and value so lightly! What American heart does not beat prouder and quicker at the bare mention of the battle of the Alamance! And here, too, was made the first Declaration of American Independence. Yes, sir, from the steps of the old Court House, in glorious old Mecklinberg, was first thundered forth into the ears of despotism these glorious truths, "That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness, and that to secure *these* rights governments are instituted among men."—Yes, sir, I am proud of my native State, and proud of her brave and generous sons, who are everywhere found, if not in the very foremost ranks, always an honest, industrious, and thrifty class of society. But while I am thus proud of my native State, and love her with all the warm and generous affection of a devoted son for a noble mother, I yet love the Union more, love freedom and the cause of liberty and humanity more. Sir, I do not envy that man whose patriotism is confined within the limits of his native State.

I have climbed the hights of the Alleghanies—stood upon the highest pinnacle of the Rocky Mountains, and wandered among the snow-capped peaks of your own grand Sierras—have traveled upon the mighty father of waters from the Gulf to the Falls of St. Anthony, and traversed the whole American Continent from where Atlanta's mad waves lash the eastern shore, to where the white foam of the broad Pacific sparkles in the sunlight, and in every place North and South and East and West, as I contemplated the grandeur and beauty and loveliness of the many scenes presented to my mind, with a heart swelling with emotions of patriotic pride, I exclaimed lo! here too is my country. I too am an American citizen who love and enjoy and inherit all this rich boon of freedom; all these manifold blessings of a magnificent republic, embracing the whole vast Continent of America. My hope and pride and glory has ever been the union of these States, and the honor and glory of the American name. The destruction of one is the dishonor of the other. In the defense of both we should be willing to give our very lives if necessary. Without union there is no liberty, and without liberty life is worse than useless.

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SPEECH

OF THE

HON. ALEXANDER CAMPBELL,

ON THE

RESOLUTIONS UPON THE STATE OF THE UNION,

DELIVERED IN THE ASSEMBLY,

AT THE

TWELFTH SESSION OF THE CALIFORNIA LEGISLATURE,

FEBRUARY 15th, 1861.

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1861.

SPEECH.

Mr. CAMPBELL—Mr. Speaker, the length of time that has been occupied, and the signal ability displayed in both Houses pending this discussion, leaves those who are yet to follow very much in the position of the poor gleaner who follows the reaper after he has gathered in the harvest. On the constitutional questions which are here involved, I shall have but little to say; upon them, it seems to me, the argument has been already exhausted, and nothing that I or others hereafter can say can affect the judgment or change the mind of any member of this House in relation to them. I shall therefore simply remark that, apart from the reading of the Constitution, apart from all the criticisms which have been made in both Houses in reference to its construction, it seems to me absolutely manifest that that instrument is intended to be what on its face it purports to be—a Constitution establishing a permanent Government to act directly upon the people of the States, and not to act upon the States as States. It is impossible to suppose that there could be any right of secession intended, if we look simply at the geographical position of the country. In the first place, here are almost all the great powers of sovereignty conferred upon our National Government—the power to raise revenue, to levy taxes, to provide armies and navies and maintain them, to raise money, and all the vast body of powers which are enumerated in the Constitution of the United States. Could it be intended that any one of those States was at liberty, on her mere motion, to leave the Union, to withdraw herself from the obligations of the Federal Constitution; that in that way the entire revenue system of the country, in one moment, at the will of any one of the States, could be entirely destroyed? That, for instance, the State of Louisiana, or the State of Florida, might say: "I withdraw from the Union; I open my ports to the commerce of the world; and you, the remaining States of this Union have no power, no authority, no right, to prevent my so doing. You must change and alter your revenue system entirely, to meet our convenience and our determination. You must adopt an entirely new system of national Government to meet our desires." If you look upon it in that point of view, suppose that one State, a central State—say Ohio—withdraws. Is it to be supposed that it was intended by the framers of this Government that, at the will and pleasure of any one of the States, even of little Delaware or Rhode Island, we should have foreign Governments set up in our midst? Can the reason or judgment of any man for a moment sanction or sustain such a doctrine? When we look at these facts, in connection with the creation of the Constitution, in relation to the object which its framers then had in view, in connection with the defects which existed under the old confederated system, and in connection with the clear and pointed change of language which is adopted, it seems to me that no man in his senses can adopt this modern theory of secession. The old Confederation purported to be a league, a perpetual league, on its face and in terms. In the Constitution you find nothing about a league. "We, the people of the United States, do ordain and establish this Constitution." We did not enter into a federal league, a firm league of friendship, as is the language of the articles of confederation. But, "we do ordain and establish this Constitution." Then we go on to say that the Constitution shall be the supreme law of the land, anything in the Constitution or laws of any State to the contrary notwithstanding. Then we erect a tribunal, which is not only to pass on the constitutionality of all laws passed by Congress, but is also to pass on the constitutionality of the laws passed by the States. We deprive the States, not only by conferring on Congress and other departments of Government certain powers, but we deprive them in express language of a variety of sovereign powers, without which no State might be said to have a sovereign existence. A State, a sovereign State, a nation without the power to coin money or issue bills of credit! What kind of sovereign State or nation would that be? But it is said, how is a State to obtain redress if the Constitution is violated by the Federal Government? My answer is that the Federal Government contains complete and ample protection on that subject. In the first place, the system of representation adopted under the Constitution is entirely different from that under the Confederation. We have the numbers of the people of the different States represented in the House of Representatives. We have the States protected in the Senate by the fact that each State sends but two Senators; and that in that body, through which all laws must pass in order to become effectual, the little State of Delaware has as much power as the great State of New York; and she is further protected by the provision that all these laws will pass in review before the Supreme Court of the United States, a tribunal not composed of men coming from any particular State, but from all parts within the limits of the Union, to pass on the constitutionality of these laws. Now, if a State cannot create a Constitution, or adopt a Constitution which is contrary to the Constitution of the United States, how can she secede? She says that in seceding she resumes her sovereign powers. Suppose she adopts a new Constitution, declaring, "This State hereby resumes her sovereignty, which she once parted with," what then? The Constitution of the United States provides that every State Constitution, as well as every State law, shall be subject to the power of the Supreme Court to declare it unconstitutional. Where is a limit prescribed to the duration of this Constitution? It is, on its face, intended to be perpetual; and to say that because there is a mere freak, a mere fancy, a passing whim on the part of one State that she is discontented on account of a tariff, or a bank bill, or any other measure of legislation which the majority in Congress may think fit to adopt and the President to sanction; that, therefore, she has a right to overturn this Government—for it is a virtual overturning of the entire Government—is to say that which certainly the framers of that Constitution never anticipated. If the Government was of that description that the seceders say it is, it would be a perfectly useless and ineffective machine. It would have no vitality, no power. A Government is worthless which is not self-sustained, which has not the power to enforce its decrees, to keep together its parts; which can be shattered into fragments at the mere will and pleasure of a fragment of the people who compose it. But, sir, I shall not pursue this matter further. The question has been so lately, and so fully argued that I feel I am needlessly trespassing on the time and attention of the

House, and I shall therefore not elaborate this matter. I shall proceed in the argument on this ground—that the right of secession, as a State right, cannot be successfully maintained. Then the advocates of secession place the right to secede upon another ground—the right of revolution. That right we all admit. There is no difference among gentlemen on this floor on that subject. Then the question necessarily arises—Have circumstances occurred which authorize the practice of this right of revolution? Has South Carolina, have the other seceding States suffered at the hands of this Government or of this people such outrages and indignities as warrant them in seceding and withdrawing from the Union, and so revolutionizing and overthrowing this Government? That is the plain naked question at issue, and however much it may be sought to disguise it, that is the true question in the minds of the American people, throwing aside all sophistical arguments. The first question then is: What is the cause of complaint? We have had this right of secession once attempted to be maintained in South Carolina, under the auspices of Mr. Calhoun, Mr. McDuffie, and Mr. Hayne. Thirty years ago they claimed that they had the right of secession and of revolution, because Congress thought fit to impose a protective tariff upon goods imported into the United States. That was the monstrous grievance which they had a right to remedy by secession! And yet if we turn to the history of the country we find the strongest illustration of the absurdity of that argument in the fact that the very man who stands most prominently forward as the father of this doctrine of secession, himself at one time was the strongest and firmest advocate of the protective tariff; and his State was the strongest State in the Union in favor of that system of legislation. It was a pet child of South Carolina, until the interests of South Carolina on that subject had become changed; and then it was oppression, injustice, unconstitutional, a cause of secession and of breaking up the Union. If every State, when a law is passed which it does not happen to like, is to secede, what is to become of this Government, and of its strength and power? We now have this doctrine of secession again invoked, and why? It is interesting and instructive to go back to the causes which led to this present state of feeling. And let me say here that I shall endeavor on this subject to present both sides of it fairly and justly. What are the alleged causes of complaint on the other side? They have been presented by able advocates, and we have seen here a somewhat unnatural kind of action, as I think. We have found the gentleman from Sutter (Mr. Montgomery) on the one side, and the gentleman from Sierra (Mr. Dougherty) upon the other, differing widely as to the doctrine of secession, and yet at the same time uniting in a common assault upon the party to which I have the honor to belong. We find them raking up identically the same scraps, bringing them forward, and reading them in this House as the causes that have led to secession. This practice of picking out little phrases used here and there; phrases often explained by the context; phrases which are after all, at the most, the mere individual expressions of the man who utters them—this practice is too often resorted to by politicians when there is no really sound argument to sustain them. It is a mere political trick. This kind of argument reminds me of a particularly distinguished association known as the Rag Pickers, who go about with hooks in their hands, raking amidst the filth and rubbish of the streets for stray fragments or relics of the past. So these gentlemen, with their political hooks in their hands, go raking into the past history of public men, long before the Republican party had its existence in this Union, for the purpose of proving what Republican doctrines are, and what Republicans of the present day think. Were I to search the records of the past, and get together every intemperate or every foolish expression which has been used by the leaders of either branch of the Democratic party, I should fill whole volumes. But what would they amount to? They would be the mere individual expressions of particular politicians, often spoken in the excitement of a political canvass, and with the view of getting up a momentary hurrah in their audience. Certain men, it is said, have said certain things. Mr. Seward in 1848, said so and so. My answer is, if he said so he said what was wrong. At that time he was not a member of the Republican party. At that time a portion of those gentlemen who now denounce him on this floor were his political associates and friends, slept in the same political bed, and ate at the same political table with him. I never heard of his being read out of the Whig party on account of those expressions of his, used long before the Republican party came into existence, and when he was an influential member of the Whig party. So with regard to the other fragments that have been raked up through a course of years. I lay it down as a proposition which cannot be controverted, that it is no cause of revolution whatever, that a few isolated individuals at different times and places, running through a long series of years, have made use of foolish, idle, intemperate, ill-considered, or improper expressions. The question is, what practical grievance have these seceding States sustained? That is the true, solid, substantial issue which has to be met here. Now what is it? Why, they have passed Personal Liberty Bills. That is the only practical grievance that any gentleman has complained of, with the single exception of assisting in carrying off fugitive slaves. Now, with regard to those Personal Liberty Bills, it is a somewhat singular circumstance that we have heard very little about them until very recently. The passage of these bills commenced as far back as 1840. The State of New York then passed her Personal Liberty Bill. The State of Rhode Island passed hers at a very early period. Other States passed theirs several years ago; and yet we have not found them denounced in a single political platform. We hardly heard of these bills until after the close of the last canvass. Very little indeed was said in relation to them until that time. It is a new subject—a mere excuse for secession. Who has been punished, who has been oppressed, who has been outraged under any of these Personal Liberty Bills? In one or two cases, individuals have been arrested under them, and discharged on the ground that these laws were unconstitutional. This happened in New York, where, in two instances, I think, arrests were made under the bills which provided a trial by jury in the case of fugitive slaves, and the law was simply declared unconstitutional. Now, to say that that is a practical grievance; that because a State, in a moment of excitement has passed a bill of that description, and because it like other unconstitutional laws has been a dead letter on its statute book, that therefore we are to dissolve this Union, subvert this Government, and enter on the horrors of civil war, is to say that which no patriot can recognize in his heart as sound doctrine. Gentlemen have been unable to furnish us with those instances of oppression, and injustice, and cruelty. Sir, are these Personal Liberty Bills the only unconstitutional laws which have been passed? Why, our own statute book is full of them. Our Courts are continually busy in declaring laws unconstitutional. But does any man undertake to subvert the Government of this State and overthrow its authority because we have passed an unconstitutional law? How would such a man be received in this community? Why, he would be laughed to scorn; and if he persisted in his folly and delusion he would very soon find himself within the meshes of the law. I ask again, what grievance has South Carolina sustained? What negroes have been stolen from South Carolina? But one word previously. I desire to say in leaving this subject of the Personal Liberty Bills, that in the first place they have had their origin in the action of the State of South Carolina, because that State created a feeling which gave birth to those Personal Liberty Bills. In former times, when the trade between Massachusetts and South Carolina was very considerable, a large number of colored persons were employed as cooks and stewards, on board the vessels sailing from Boston to Charleston, and other ports of South Carolina. For some reason or other the State of South Carolina passed a law providing for the imprisonment of those persons while they were within the limits of that State, providing also, that unless the charges for keeping them while in the prison should be paid, they should be sold for an unlimited term into slavery. The Act was one which the people of Massachusetts deemed to be unconstitutional. They did not talk, though, of secession, because South Carolina had passed an unconstitutiona

law; but they did what it was their duty and privilege to do under the Constitution of the United States, they proceeded to employ counsel to test the validity of this law. They tried to engage some distinguished members of the har at Charleston; hut they refused to have any thing to do with the case, inasmuch as it was unpopular in their community, and they were apprehensive that they might suffer personal violence if they should undertake to plead a cause of that description. They were afraid simply to discuss the constitutionality of the State law. Then the State of Massachusetts employed one of her own citizens to accomplish this purpose. She sent Mr. Hoar, a man venerable in character, of great ability, of high and pure purposes, one of the most mild, amiable, distinguished and talented of her own citizens. She sent him to Charleston simply to present a case before the Courts, and discuss the constitutionality of this kind of legislation. Mr Hoar went to Charleston, where he was immediately waited upon, as we are told, by a Committee of the most respectable citizens, and notified that he and his young daughter, who accompanied him, must leave the State within twenty-four hours, under penalty of Lynch law. So he was driven from the State. South Carolina refused to permit the constitutionality of her laws to he argued and discussed in her own Courts; and subsequently passed a law forbidding any one to discuss in her Courts the constitutionality of her own law. Yet this State, that won't even permit an appeal to her own legal tribunals to test the constitutionality of her laws, turns round on the balance of the Union, and says you have passed unconstitutional laws, and we wont abide hy them; but we will dissolve the Union and secede! Has that State, has any State who conducts itself in this manner, a right to complain of any unconstitutional laws elsewhere, when she sets the example of anarchy and disorder, and when she refuses to allow constitutional questions to be discussed within her limits, even before the legal tribunals? Can she complain about the unconstitutionality of other laws? How different would have been the reception of any son of South Carolina, had she seut one to Massacbusetts to discuss the constitutionality of the Personal Liberty bill! Would he have been ordered out of the State, and driven off in ignominy and disgrace? Would he have been insulted and outraged? Who then is to blame? In leaving this subject of the Personal Liberty laws, let me say that so far as any unconstitutional law has been passed by a Northern State on this subject, I deem it now, as I have always deemed it, their duty to repeal such laws. I go further, and say that every law, even if constitutional, which has been passed with a view of defeating the operation of any law of the United States, ougbt to he, as a matter of courtesy and justice, repealed. That is my belief, and always has been.

Now, let us go a little further with this grievance question—that fugitive slaves have received aid from the North. It is true that fugitive slaves have been aided and abetted. It is true that occasionally, and only occasionally, the seizure of fugitive slaves hy the officers of the Government has been interfered with. But it is also true that that cannot, with any fairness, justice or reason, be charged upon the North It is true that there are men at the North who are engaged in the business of stealing slaves; just as there are men in California who are engaged in the business of stealing horses. But I am not prepared to say that because horses are stolen in California, we are to subvert the Government. Crime will he committed in spite of all the laws which man can make; and the mere fact that the law sometimes fails in its execution is no argument for repealing and overturning the whole system of jurisprudence. Has South Carolina, has Georgia suffered from this kind of conduct on the part of the extreme Abolitionists? Why, sir, they have not lost as many slaves in point of value as almost any county in the State of California has lost horses, within the last ten years. Nohody has interfered with them. Yet for this they seek to overturn this Government! Abolitionists have found South Carolina and her neighhor States very unsafe places to visit. They have kept out of them. They have done so, wisely: they ought to keep out of them, and out of all other States, in my opinion—that is that mass of Abolitionists who seek to overturn the laws of this Union, to interfere with the execution of the laws of Congress, and to set at defiance the constitutional laws of their country when they happen to come in conflict with their peculiar views.

Mr. LASPEYRE—How do you know that the States of South Carolina and Georgia have never lost any fugitive slaves?

Mr. CAMPBELL—I do not say tbey have never lost any fugitive slaves. I was saying that the numher of slaves lost hy them, so far as we can possibly have any evidence on the subject, has been extremely trifling. Of course, wherever there is property of any kind, more especially the kind of property that has feet to walk with and a head to direct the feet in their action; wherever there exists any kind of property, whether human flesh or horse flesh, it matters not, there will he thefts. Property of that kind will make its escape sometimes. I do say this, and challenge contradiction: that the amount of slave property which South Carolina has lest during a long series of years has heen exceedingly small; that we hear nothing of it; we don't see anything of it; and we have no reason to believe it to be a fact that large numbers of negroes were carried off from South Carolina and received in Northern States, since we have no evidence of it.

Mr. MONTGOMERY—I would like to ask the gentleman, who seems to think there are very few abolitionists in the Northern States, whether he regards the passage of the Personal Liberty Bills as any evidence of abolitionism?

Mr. CAMPBELL—I regard the Personal Liberty Bills as wrong, as the result of an excited feeling produced by causes to which I shall presently allude; that the people of the North bave been irritated into the passage of improper Acts by conduct which was directly calculated to provoke the commission of such an act of folly. But at the same time——

Mr. MONTGOMERY—That does not answer the question. I ask if he regards the passage of those laws as any evidence of an aholition feeling.

Mr. CAMPBELL—No, sir, I do not. I consider it as an indication of a feeling which unquestionably does exist, and always has existed at the North, and which did once exist to nearly an equal extent at the South, that the system of slavery is a bad system; and an unfriendly feeling does exist against slavery as a system. But there is no disposition to abolish or interfere with slavery in the States where it lawfully exists under their Constitution and laws.

Mr. MONTGOMERY—Does not the gentleman know that the Personal Liberty Bill of Vermont does aholish slavery as respects every fug tive slave who goes within the boundaries of that State?

Mr. CAMPBELL—I have never read that bill, and therefore do not know it. But, if it does, it is clearly and palpably an unconstitutional law. a mere piece of paper gasconade. Now let me consider for a little while the real causes of this perturhation in the extreme South. Heretofore, in this Government, the South has had an overwhelming halance of political power. It has controlled this Government in its various departments almost from the commencement of the Government to the present time. During that period, the population, the wealth and resources of the North have increased in a greater ratio than those of the South. The free States have become more populous, and richer, and I may add, I hope without the fear of giving offense, that they have been, so far as all their commercial relations are concerned, more enterprising than the States of the South. Still, notwithstanding all this, notwithstanding the numerical inferiority of the South, she has managed to obtain and perpetuate, until very recently, an ascendency in the political power of this Government. Day by day, however, this ascendency has gradually lessened, until the relative numerical proportions of the two sections of the Union are of such a character that the North vastly outnumbers the South; and, of course, as was naturally to he expected, the political power must of necessity to a certain extent change. It cannot be supposed that it is in the nature of man to concede to a minority, and a small minority at that, the controlling influence in the political affairs of the country, a controlling influence in the possession of the offices, the patronage and the power of this Government, a controlling influence in its foreign and domestic relations. The South, however, from first to last, has acted with far more union and

concentration than the North; and the whole history of this country, from first to last, manifests that fact. In our political and judiciary departments, in our diplomatic corps, the South has had this almost uniform ascendency. If we pass from the history of the Missouri Compromise up to the present time, we will find that the South, having this controlling influence in the Government, has used it for the purpose of furthering its peculiar objects, and fostering its peculiar institution. Now, when gentlemen speak on the question of practical justice and injustice, they should remember these facts: Out of territory acquired by the United States, under this present Government, we find that five Southern States have been admitted and carved out, and only four Northern States. We find that the five Southern States have, as representatives, ten Senators, and sixteen members of the lower House; that the North has only eight Senators, and, I think, ten Representatives; and this, although the North was more populous than the South. Now, when you come to ask the question, how has the North in that treated the South, I say we have treated the South with immense liberality in all the substantials which go to indicate on our part a desire to conciliate and harmonize with our brethren at the South. We gave them Texas at an enormous expense of blood and treasure, because its annexation brought on the war with Mexico; and in the Act for the admission of Texas we provided not only for her admission as a State, but for the carving out of four more States within her limits. Then from the time of the Missouri Compromise we pass on to the Compromise of 1850. In the meantime, however, I should suggest that although the Compromise of 1820 made all the territory north of 36 degrees 30 minutes free Territory, still, afterwards, for the convenience of the State of Missouri, the North agreed to surrender to her, and necessarily to slave institutions, a large tract of territory lying north of that line, and now composing seven wealthy and populous counties of that State. We pass on to the Compromise of 1850. There was a dispute in regard to the Wilmot Proviso. It was proposed on the one hand to incorporate into Territorial Acts a proviso similar to that contained in the ordinance of 1787. It was proposed on the part of some Northern gentlemen to perpetuate the policy which had been adopted at the foundation of this Government, which had passed unquestioned for many a long year; for if gentlemen will take the trouble to look at all the Territorial Acts which were passed during the early history of this Government, they will find not one which does not either contain an absolute prohibition of slavery within the Territories of the United States, or lays a limitation upon it and in regard to it. It was so even with regard to Louisiana, a slave territory when we acquired it. It was so in regard to Mississippi, and in relation to every Territory which we have acquired. Congress, by the votes of Northern and Southern men, legislated without any question as to her power so to do for a long series of years. This matter of excluding slavery from free territory was the policy of the Government from its foundation up to the time of the Missouri Compromise. It never had been questioned until that time.

Then we pass on. We find the South objecting to the admission of California; and Mr. Yancey, the great disunionist leader, and other gentlemen from the extreme South, objecting to our admission into the Union, and why? Because we chose to adopt a Constitution which provided that neither slavery nor involuntary servitude, except for crime, ever should exist within our limits. We were finally admitted under the Compromise of 1850. The country was quieted then, and what happened next? We find that the next step was started and prompted by a Southern member, and sustained by the entire South. For twenty-four years the whole country had acquiesced in the Missouri Compromise. All the statesmen of the North and South had, over and over again, spoken of it as a kind of sacred covenant between the people of the United States, both North and South. The attempt then was made to repeal it. True, Mr. Douglas took charge of that attempt, but it originated in the mind of Mr. Dixon, of Kentucky, and Mr. Douglas was the instrument, he being a man of transcendent ability through whose agency in the main the repeal was passed. That necessarily created a great excitement; but I have omitted to mention in its order one great cause of excitement, and of the passage of the Personal Liberty Bills. I mean the Fugitive Slave Law. So long as that Act stands upon the statute book, I, for one, am in favor of enforcing it, as I would be of enforcing any other law of the United States. But the law was a very harsh one in its terms and its character. If it had provided that the fugitive should be returned to the place whence he was taken, and that there the question of his servitude or freedom should be tested or determined in a proper manner, the law, in my judgment, would have been a wise one, and would have been in strict accordance with our Constitution. But it made no such provision. Any ragamuffin or vagabond, who had no regard for the sanctity of an oath, could at any time go into one of the free States, and, upon his simple affidavit, could obtain possession of the person of any colored man whom he could find to carry him off anywhere that he pleased. Such a law as that naturally was distasteful to the people of the North. It could not be otherwise. Its injustice, I believe, is now conceded by many of the men who passed it. Still, for the sake of peace, and harmony, and union, the North did generally acquiesce in it; and although occasionally mobs had interfered with its execution, yet as a general thing the law has been enforced almost in every instance. That has been the case as far as I know. The majesty and supremacy of the law has been sustained under even that enactment. That law has led to many of these Personal Liberty Bills, a law by which Congress had placed the liberty of the colored people throughout the free States, entirely at the mercy almost of any unscrupulous vagabond who might choose to swear to a false affidavit, and who might hurry them off through the broad limits of the Union, upon their simple statement upon oath. It became necessary in the judgment of many from the Northern States——

Mr. MONTGOMERY—I would inquire, as a matter of information, did you ever know of a free nigger being carried off under that law?

Mr. CAMPBELL—The very first case, I cannot remember the name now, that occurred under the Fugitive Slave Law, was a case of that character. [Applause.] And these cases have not been of infrequent occurrence since.

Mr. MONTGOMERY—I desire to inquire the name and place where it occurred?

Mr. CAMPBELL—I cannot recollect the name now; I did not expect to be questioned about it or I would have obtained that information, but I recollect the general fact. There is one thing certain, that when a wrong of that kind has been done it is a wrong very difficult of detection. You hand the negro over to the affidavit maker, and the affidavit maker carries him off, God knows where, it may be to the remotest recesses of the borders of the Union; there is no limit—nothing to prevent his being carried anywhere where the cupidity of the man who claims him may choose to take him. Will gentlemen tell me that such legislation is not liable to abuse? And in the free States would it not be natural and proper that so far as they could legislate to prevent any evil and injustice from taking place under that law they should do so? And if occasionally they have transcended the limits of the Constitution in doing so, you must remember this, that it was this harsh and unnatural legislation exacted by the South that gave rise to such legislation.

I come now to the year 1854, when peace and quiet reigned, when agitation had subsided, when all parties in their platforms had agreed, so far as it was possible, to ignore the question of slavery. At this time of profound peace the storm was again aroused by a proposition to repeal an Act which had become hallowed in the hearts of the American people. Was it unnatural that that proposition should create excitement and ill-feeling at the North? Was it unnatural that after the South had reaped the benefit of that Compromise—after we of the North had paid the consideration for that Compromise—was it not, I say, natural that we should feel a little indignant or a little offended that the other parties to that arrangement should by their votes, almost exclusively by their votes, connected with Executive patronage, overthrow and destroy the agreement which they had undertaken in good faith to fulfil. But even then, and I say this in order to show the practical forbearance of the North, even then a large proportion of us, myself among the number, de-

termined to view the matter in this light, that while this thing had to be done, as an abstract question perhaps, it would be as well to leave this matter of slavery to the people of the different Territories, and to let them settle it for themselves. We agreed, such of us as belonged to to the Democratic party at that time, to take that view and adopt that principle, and upon that principle the present President of the United States was elected and inducted into office, upon a full and distinct understanding and belief that we were to ignore this question in the halls of Congress, and that we would leave it for the people of the Territories to determine for themselves. And what then? Was that satisfactory? Why, sir, we no sooner find that principle adopted and sanctioned by the people of the North than we find efforts by fraud and violence to force a slave Constitution upon the people of Kansas, and thus again the feeling of the North is aroused and they become indignant, and justly indignant, too. What then? We find the whole power of the Administration, the whole power of the Government, every way and everywhere exerted for the purpose of extending slavery throughout the limits of the Terrritories of this Union. One would suppose that these gentlemen from the extreme South would have been satisfied then. The North had given them the Missouri Compromise, and the North at their own request had abandoned the Missouri Compromise. The North had consented to the doctriue of Popular Sovereignty, and what more did they want? The North had in the acquisition of territory acquired more slave than free territory.

Mr. LASPEYRE—I desire to ask the gentleman what he means by saying the North gave the South the Missouri Compromise line?

Mr. CAMPBELL—I mean to say this, the North had acquiesced in it. The Missouri Compromise was adopted mainly by Southern votes. It was voted for by the South unanimously in the Senate, and by a majority of the Southern members in the House. That is what I mean, that the North acquiesced in that Compromise.

Mr. LASPEYRE—I would like to ask if all this territory when the line was drawn was not common territory belonging to all the States of the Union alike, and whether the South had not agreed that this line should be drawn there, and that she should be excluded from all the territory North of that line?

Mr. CAMPBELL—The South was not excluded; the prohibition was against slavery. That compromise did not exclude the Southern man. The Southern man could go into these Northern Territories with anything that the Northern man could take with him; and if a Northern man owned a hundred thousand slaves he could no more take them into the Territories than could the Southern man. What I say is this, that the South adopted the Missouri Compromise line, and the North acquiesced; the South repudiated the Missouri Compromise line, and the North acquiesced in that; the South urged the doctrine of popular sovereignty, and the North acquiesced in popular sovereignty—then the South backed out of popular sovereignty, as I shall proceed to show. Let me continue the argument. We find next some resistance within the limits of the Democratic party, which had heretofore acted with these extreme gentlemen who now advocate the doctrine of secession. There was some resistance to those wholesale and never-ceasing demands; and when the party assembled in their great national council, what was the result? Why, as soon as these gentlemen who anywhere and everywhere are praising and urging the demands of slavery, and preaching it up——

The SPEAKER at this point interrupted the gentleman, to call the attention of the Sergeant-at-Arms to certain persons who were violating the rules of the House by smoking in the lobby.

Mr. CAMPBELL proceeded—Those gentlemen who, on all occasions, are preaching up slavery as lying at the very basis of republican government, when they found themselves in a minority, abandoned their political associates and made a new organization of their own. The house was divided against itself and it could not stand, and a Republican President was elected. And then the very men who had divided the house and pulled it down declared that they would not submit to the consequences of their own act. [Applause.] Now, sir, where is the injustice, the practical injustice, which the North has committed? Abolitionists, it is true, have stolen slaves from the border States to a considerable extent; but did the border States secede? Why is it that South Carolina takes the initiative in this? Why is it that we do not find the men of Maryland, Delaware and Kentucky initiating and inaugurating this secession movement? Is it because of a want of courage in their sons? A more gallant people do not live upon the face of the earth. It is because they appreciate the blessings of liberty and good government under this Union. But now let us see what is the real cause of this movement. In the first place, there has been this change in political power, but that has beeu a small circumstance comparatively. Ambitious politicians fiud that they cannot, by pandering to this cry of slavery extension any longer reach the high places of the country; they have found that after a few days they will be no longer in possession of the offices, and the governmental patronage of the country. But there is a deeper cause yet lying at the foundation of this whole matter. For a number of years past, and ever since the tariff controversy, in which Mr. Calhoun proposed to secede, certain politicians at the South, of the class which was headed by him, have been steadily and quietly, but constantly at work endeavoring to bring the Southern men in the cotton States to this conclusion, that it would be more for their advantage, more for their interests, to dissolve this Union, and set up a separate and independent Republic of their own Their maxim is—"Cotton is King," and they think by uniting the cotton States into one Republic they can shortly control and bring to their own doors the commerce of the world; that then they can safely reopen the African slave trade, and in that manner bring from Africa cheap labor in large quantities; that then they can with impunity violate a principle adopted by the entire civilized world, which looks with horror upon that inhuman traffic, and lu that way open the doors to empire and dominion. And this policy has been pursued incessantly, year after year, through the press, in private conversation and everywhere.

Mr. HAUN—I would ask the gentleman where he gets his information on this subject?

Mr. CAMPBELL—My authorities are simply common observation of the history and progress of events in this country.

Mr. HAUN—Have you ever read it in any paper published in the South?

Mr. CAMPBELL—Why, sir, if the gentleman will turn over the columns of the Charleston *Mercury*, the representative of that class of people and that class of opinions, he will find it, day after day and month after month, teeming with articles of that description—articles endeavoring to instil into the Southern heart a feeling of hatred for the Northern people, endeavoring to point out the advantages of disunion, suggesting a renewal of the slave trade, and in every respect, so far as it was able, to produce the precise results sought to be obtained by the secession leaders in this movement. You have it in the declaration of Mr. Yancey, in the letter which was read a few days since, in this House, the letter in which he proposes to precipitate the cotton States into a revolution. What for? You find that many of their men, too, talked until quite recently in a quiet and doubting manner in regard to the re-opening of the slave trade, but some of their leaders, more bold, have openly maintained and advocated it; but I say this, that no man who has watched their conduct can come to any other conclusion than that which I have stated.

Mr. LASPEYRE—If newspaper rumors are to be taken for authority in these things, I desire to say that I have recently seen it announced in the New York *Herald* that the Legislature of Georgia, since that State seceded, has passed an Act prohibiting the carrying on of the African slave trade and forever pledging the State of Georgia against it. I simply mention the fact, because this allegation is made as to that trade being the grand object of secession.

Mr. WOOD, of Plumas, here appealed to gentlemen to refrain from these interruptions, which only protracted the debate and disconcerted a speaker.

The SPEAKER said no interruptions were allowed, except by the permission of the gentleman occupying the floor.

Mr. LASPEYRE said he had interrupted the gentleman only by his courtesy, and with no desire to embarrass his line of remark. It was customary to interrupt the speaker with questions in this way.

Mr. CAMPBELL—I have no objection whatever to answering any question respectfully put, or any suggestion which any gentleman may desire to make in the progress of this debate. I think the truth is best elicited by these interruptions; they do not alarm or disturb me I had not seen the statement that the State of Georgia has passed such an enactment. I hope the gentleman is correctly informed; if he is, I can only say that it is one evidence of the dawn of returning reason. [Applause.] Now, sir, there is a cause yet lying at the back of this. The changed position of the Southern States is mainly, at least in a great part, owing to this increased demand for cotton, which also gives rise to this demand for the renewal of the African slave trade. Now upon what other principle except that of a determination to overthrow this Government can you account for the secession of the cotton States? Let me ask what was their condition six months ago? Were they ever more prosperous, more wealthy, less disturbed in their homes and at their firesides? Why, their negroes were worth more than they ever had been, their cotton was selling at a higher price than it ever had before, and there were no abolitionists among them, for certainly South Carolina was not troubled by any of that breed of persons then. In fact, they had every outward evidence of prosperity. Now can you believe that under these happy circumstances they would ever have undertaken to carry out the measures which they have adopted, unless they did so for a specific, deliberate, well-matured purpose? Not a purpose of the people, let me say, but a purpose devised by the politicians who have led the people, and who desire to reach wealth and power, and aggrandizement, and official station through the instrumentality of the people whom they delude.

I have stated as well as time would permit the causes which I believe have led to these difficulties, with a few exceptions, and those I shall pass briefly over. There is no property on earth so sensitive as slave property; there is no property that is more easily affected by outward circumstances in regard to its value. And, moreover, there is no species of property in reference to which the owner is more sensitive. The system, I am free to say, is not founded on natural right. It is an assertion of power and dominion by one man over another, an assertion of the right of one man to the labor and person of another. Such a system gives rise to a class of legislation which does not elsewhere exist. In a State where slavery exists you must to a certain extent suppress the freedom of the press, you must to a certain extent suppress the freedom of the pulpit, and free discussion everywhere. You must, at the same time, pass laws keeping the subordinate race in a state of ignorance, because if you allow them the blessings and benefits of education you would soon find the spirit of freedom developed in their hearts. All this kind of legislation is necessary, and it is a system, I say, in contradiction to the natural influences and impulses of the human heart. Men from under such a system, brought up under it, taught to look upon it as a good and beneficent system, undoubtedly have their minds and their views warped by such a contact, but men who have been born and reared outside of it, men who have known none but the instincts of freedom, look upon the system as a bad and evil one, and attended with only bad social and political results. But in connection with this view of the system is another suggesting itself, and that is that the system of compulsory labor is not, as a general thing, conducive to prosperity and material improvement or advancement in the arts, in science, in literature, in knowledge and power, as a free system where labor works for itself. These causes combined operate upon the mind and the human heart, creating an antipathy to slavery everywhere except where it has its existence. You may not suppose or expect that you can bring the balance of the world to like a system which is contrary, as they conceive, to their natural dictates, and the principles with which the Creator has endowed our hearts. That is an undoubted fact. But we are in a mixed Government, and have a necessity to accommodate ourselves to existing facts. The framers of the Government, themselves slaveholders, felt that slavery was an evil. They used far stronger language in regard to it than any I have given utterance to to-day. It was their wish and their prayer by night and by day that the time might come when, by the separate and peaceful action of the States, the entire system should be abolished and got rid of. At the same time they felt that it was an evil with which the people of the several States must deal, and I am free to say that had it not been for the work of the extreme abolitionists who have sought to interfere with slavery in the several slave States, I believe that this day Virginia, Maryland, Delaware, Kentucky and Missouri would have been free States. Yet I am free to say that still we must deal with slavery as an existing fact. All the Government can do, or ought to do, in relation to it, is simply to carry out the existing constitutional obligations in regard to it.

Having considered the causes which have led to this state of things, it is proper that I should state now the conclusions to which I have arrived in reference to the duty of this Government in this important crisis. Had the Government done its duty earlier, had not the President permitted himself to be influenced and surrounded by men who, at the very time they were sitting in the Cabinet of this country, were engaged in plotting against the existence of the Government, had the President exercised ordinary firmness, and justice and honesty in the administration of the Government of the nation, I do not believe the present state of things would ever have existed. But as it does exist I say that above and beyond all things else it is the duty of this Government to enforce its laws and protect its property—that it must either abdicate all the powers and duties of the Government, or it must do this, and do it, too, to the fullest extent. [Applause.] A Government that will permit without provocation, without reason, without justice, its arsenals to be seized, its forts to be taken possession of, its officers to be arrested, its vessels fired into, is a mere creature of imbecility and weakness—it is worthless for all good purposes. [Applause.] While I would accord to every State in the Union its just rights; while I would not infringe upon any privilege which any of them now possess, I would at the same time say that at all times, and at all hazards, this Government must be sustained. [Applause.] Peaceable secession is an absolute impossibility—it is an idle delusion. Suppose today we were to say to these seceding States, "Go out of the Union; keep the forts and arsenals which you now have; divide with us the common property of this Government" Suppose we were to do all this, how long should we remain at peace with them? How long would it be before a fugitive slave, seeking to escape into a free State, would be pursued? How long would it be, when the constitutional restriction in regard to receiving him having been removed, before, under the irritation which would necessarily result from disunion, that slave would be protected within the limits of the State to which he had escaped? Then how long would it be before, perhaps, some Cincinnati merchant going to Charleston or New Orleans to make sales or purchases, and happening to express the sentiment that slavery was a public evil, would come back with his ears cropped off and bleeding, to ask for redress from his own State?

Mr. CROCKER (in his seat)—He would get it, too.

Mr. CAMPBELL—How long, I ask in the name of common sense, could we maintain in this country a number of separate and independent republics? How should we stand at home and how should we stand abroad? What nation abroad would consider the sanctity or the character of the Palmetto flag? Suppose a vessel, sailing to-morrow under that flag, should visit some port in Europe, and there its men should be unjustly imprisoned, what would the independent nation of South Carolina do about it, with her three hundred thousand white population at home attending to her four hundred thousand negroes to keep them in subjection? [Applause.] Why, sir, the idea is preposterous and absolutely revolting. How would she pay her ministers, how feed and maintain her armies and navies, and foreign ministers? How would she support all the paraphernalia of an independent Government? How would she accomplish anything? Why, sir, the idea is idle. The only protection of the South for her slaves is in a Union; she cannot protect

them out of it. Suppose to-morrow the border States secede, where would the slaves of Kentucky be in a short time? What would be the result? Why, civil war, collisions, mutual destruction of life and property, and all the elements of society upheaved. I cannot for one moment contemplate these horrible calamities without shuddering at the thought. Ever since the foundation of this Government we have felt it our pride and boast that we were not Massachusetts men, not South Carolina men, but Americans; that the same bright flag, with its stripes and stars covers and protects us all everywhere throughout the globe; that wherever the American name is mentioned, it is honored and respected, and wherever the love of liberty prevails there it is absolutely worshipped. [Applause.] And are we to destroy this glorious fabric? Are we, when we go abroad, to say we are citizens of the Republic of Delaware? When we are asked, Where are you from? Where is your passport from? Are we to reply: "I am from the nation of Delaware?" The little peach orchard as we have sometimes heard it called. [Laughter.] The reply would be: "We don't know you; we never heard of you; you must go to prison. We have heard of the United States of America, but we never heard of this nation of Delaware." Why, sir, all the relations of this country, foreign as well as domestic—all the relations of this entire country would be thrown into a state of inextricable confusion. It would and must end in civil war. How can that be prevented? It can only be prevented by the assertion of the power of this Government at any cost. At the same time while we assert our power, and while we compel obedience to our laws we should do so in a spirit of kindness and of justice.

Mr. MONTGOMERY—I desire to ask a question with all courtesy: it is, which the gentleman thinks most preferable, a good name abroad, or liberty and equality at home?

Mr. CAMPBELL—If I were compelled to choose, I would certainly say liberty and equality at home. But, sir, I am in favor of liberty and equality at home, and a good and great and glorious name abroad—all of them together. [Applause.] We have maintained them heretofore; there is no reason why we should not maintain them now and ever hereafter. And let me say, in conclusion, that I do not despair as yet of the Republic. I do believe that even in the breasts of those men who have arisen in arms against this Government there is yet a substratum of patriotic feeling left. I do believe that though the weeds may temporarily overtop the flowers in the garden of liberty, yet we shall be enabled to remove them, and cause the flowers to bloom once more with renewed youth and beauty. I do believe that were Massachusetts invaded to-morrow by a foreign foe, these men now in arms in South Carolina and Georgia would turn those arms against the common enemy, and, as of old, stand shoulder to shoulder with the people of Massachusetts to repel the invader and drive him from the soil of our common country. [Applause.] And so, were South Carolina to be threatened or attacked to-morrow, notwithstanding her hostile attitude toward this Government, I believe the people of this country would rally from every quarter against that enemy; would rush to the rescue and protect and defend her as they would protect and defend themselves. [Applause.] They would look to the pas as something that had gone by, and say to the peopl of that State: "Go with us once more into a new field of brotherhood; let us meet the common enemy, and then let us settle our domestic quarrels afterward." Those patriotic feelings still exist. The men who acknowledge the same country of their great ancestors, the men who speak a common language and possess a common liberty, never will, never can surrender their common inheritance. In this feeling, and in this principle, I yet see hope for this American Union. [Applause.]

STATE OF THE UNION.

REMARKS

OF

HON. S. H. CHASE, OF NEVADA

Delivered in the Senate of California, March 12th, 1861.

Mr. CHASE said—

MR. SPEAKER:—In submitting some views upon the resolutions before the Senate, known as the Union Resolutions, I do not stand here as an advocate, laboring to make out a case; I desire only that my conclusions may be correct, and that they may be uttered in words of soberness and truth.

Had my views been expressed in this extended debate, so much extended that interest has ceased in the argument, and almost ceased in the conclusions, I would not have arisen to say one word. Much has been said on either side with which I agree, and much with which I disagree. As a consequence of this disagreement, I have arrived at other conclusions than have those who have addressed this Senate.

We have passed through one revolution. Its objects were noble, its memories and traditions are grateful and glorious, the names connected with it illustrious and hallowed, its results liberty and happiness. The principles, the incidents, the men of that revolution whenever recalled, warm the heart, expand the intellect, and elevate the nature of man.

A government succeeded that revolution, created in, and breathing the same spirit that accomplished the revolution—a government animated by liberty regulated by law—a government simple, facile, expansive, and beneficent, wonderful in its genius, for comprehensiveness and adaptation, sheltering as readily thirty millions of people as three millions, as well adapted to thirty-four as thirteen States—exercising to-day its authority as easily along the shores of the Pacific as seventy years ago upon the borders of the Atlantic.

How they misconceive that government who think it was made for the youth of a nation, not for its manhood! How they misconceive it who think it was designed to die with the generation that gave it birth. Not so. It was designed for no single generation, for no limited land, but for all time, and for an empire of freedom as wide as intelligence, as enduring as patriotism. The experience we have already had is ample evidence of the worth of our government. Though brief in years, the pages of its story are illuminated by the lustre of noble acts, events, thoughts, and sentiments, which make a name or nation immortal, Is the record of this Republic still to shine for the long future in the light of accumulated glory, enlarged liberty and unequalled prosperity, or is it soon to be closed forever? The destiny of the nation is now shaping itself. The action of the hour will reach to far distant years. That action is no less than the perpetuity of the government, the prosperity of a people who now flourish or did but recently, under the fairest stars that ever beamed in the political firmament. The fathers of our government declare for what purpose they created it, "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." *All this it has done.* Let us be true to the past, the present, and the future, let us so act as to accomplish the purpose of the men who founded our government, then they nor we will have lived in vain.

The theory of our government I propose not to investigate to any extent. Upon this, authority and argument for seventy years have been adduced, and left the theory still a subject of controversy, while practically, as to all present issues, there has been a uniform and well settled construction which has received the almost united sanction of the people. As to the theory of its construction, I will only say that I regard our government as neither a consolidated or a confederated government, but a mixture of both. Mr. Madison has presented the entire case in a few words. He says, "Our Constitution was not formed by the governments of the component States as the Federal government, for which it was substituted, nor was it formed by a majority of the people of the United States, as a single community in the manner of a consolidated government. It was formed by the State, that is by the people of each, acting in their highest and sovereign capacity; and framed consequently by the same authority which framed the State constitutions. Being thus derived from the same source as the Cotstitutions of the States, it has within each State the same authority as the Constitution of the State, and is as much a Constitution in the strict sense of the term within its prescribed sphere, as the Constitutions of the States are within their respective spheres; but with this essential and obvious difference that being a compact among the States in their highest sovereign capacity, constituting the people thereof one people in certain purposes, *it cannot be altered or amended at the will of the State individually,* as the Constitution of a State may be at its individual will." This exposition to me is satisfactory and clearly correct. The people equally established the government of the States and the government of the Union, each with supreme power within its own sphere, the one for domestic and local, the other for national purposes. To the one was assigned a far wider orbit than the other, but the same power that prescribed the revolutions of the one, prescribed the revolution of the other, and the same power that marked out the unobstructed track of their course left them to revolve in harmony forever. The people of California are as solemnly committed to the Constitution of the United States, as to the Constitution of the State, and constantly are they acknowledging the paramount authority of the former in yielding to the decisions of its courts overruling the laws and judicial expositions of the State. The government of the United States is vested with the power to execute its laws, and acts directly upon the people without reference to, and independent of the State; but in the Constitution the idea of the equality of States and of a confederacy is still preserved, and has vitality in those provisions which relate to the Senate to the election of President by electors, to the election of President by the House of Representaives, where each State has one vote, and especially in that provision as to amendments of the Constitution by which three-fourths of the States can change the Constitution, each State having the same voice and being on perfect equality with any other State. Oregon with her 52,000 inhabitants having the same influence and authority in remodeling the government as New York with

her 3,851,000.

Here are two States on perfect equality in the exercise of the highest right of a free people, the right to alter, abolish or institute a new government. One State with seventy times the population of the other, and probably the same comparative difference in point of wealth—a remarkable evidence of the fact both as to the equality of States in this instance, and of the fact that the government is in part a confederated government. But in relation to the present issue it is really immaterial whether we regard our government as confederate, consolidated or mixed. There is the Constitution itself to which we must resort to ascertain the powers, rights and duties of the government; and in any view of its origin, its construction and authority are the same. The assent to the Constitution is equally binding whether given by the people, or the States, or both combined. The oath of office is not varied by any theory as to the origin of the government. That oath of office imposes upon all national and State offices, executive, legislative and judicial, whether in South Carolina, Massachusetts or California, the same solemn obligations to support the Constitution of the United States. I have alluded to this subject as briefly as possible, regarding it as of minor consideration in reference to existing difficulties.

The doctrine of secession has been recently revived to justify the dissolution of this Union. Thirty years ago secession, a Gorgon dire, presented its hideous mein in Congress, standing behind and looking over the shoulder of nullification, its kin monster. Beneath their gaze the heart of patriotism was turned to stone—the genial current of the soul was chilled. But the twin monstrosities, defeated and disgraced, were driven from the halls of Congress to the swamps of South Carolina, where, amid noxious vapors they have lurked and protracted a dreary existence till now.

Could secession be established as a Constitutional right, it would prove the simplest remedy that was ever devised for all the evils that governments are heir to. Resistance to law, insurrection, rebellion, revolution, would be known no more forever, but dignified as Constitutional rights, could stalk over the land, resolving society into its original elements, breaking governments into fragments, sacrificing the long results of time to a sudden passion, and in a moment, crumbling in the wicked pride of power, the revered monument reared by a nation to freedom through long years of toil.

But the doctrine of secession never obtained much hold on the people, and it has had hitherto but little sympathy outside of South Carolina. In California, to-day, out of one hundred and twenty thousand voters, I do not believe ten thousand could be found openly to sanction it—perhaps not one thousand. But here is the difficulty, while but very few will avow this doctrine, there are in California a large number who will lend it aid and comfort practically, and who have sympathy and words of cheer for what secession accomplishes. Men will deny the right and denounce the theory, who will in all respects act as if they believed in the theory and right.

Authority, history, argument, and patriotism are all opposed to the doctrine. At the very start, and before New York ratified the Constitution, Madison denied it. Jefferson denied it at the time of the embargo. That idea was attributed to the Hartford Convention. The mere charge, though denied and not supported, fixed a stigma upon the name and fame of the members of the Hartford Convention, that could never be effaced. The Virginia Democracy at that time, forcibly denied the right of secession. Said the *Richmond Enquirer*, "the majority of the States, which framed the Union must consent to the withdrawl of any one branch of it; until that consent has been obtained, any attempt to dissolve the Union, or distract the efficiency of its Constitutional law, is treason, treason to all intents and purposes." Jackson denied it in 1833, when South Carolina asserted nullification first, and secession afterwards, and Congress sustained him, and passed the Force Bill, by a vote in the Senate of 32 to 8, and in the House by a vote of 136 to 34. I will further state, in reply to this doctrine of secession, that governments are in their very nature perpetual; that the ratifications by the States were without reservation or condition; that the Constitution contains provisions for the admission of States, but none for secession; that in a matter of such vital importance, if secession was intended to be a Constitutional right, there would have been a provision regulating and providing for some mode of secession. Under the provision of the Constitution, three-fourths of the States can change the Constitution; create new Constitutional obligations, and bind one-fourth of the States to obligations that they do not sanction. Now, if three-fourths of the States can Constitutionally impose new obligations upon all the States, without the assent, and contrary to the wishes of one-fourth of the States, how can one State Constitutionally throw off these obligations.

I have said that the right of secession would be fatal in its results to government and society. If a State has such right it is without condition or limitation. It is as perfect a right at one time as another, under one condition of affairs as another. It can secede when the nation is involved in war: can secede when the nation is burdened with debt, without being responsible for services in one case, or revenue in the other. California, whose star glittered amid the constellations of States, ere the blood was hardly dry that was poured out for her acquisition on the battle fields of Mexico, solitary and ungrateful could have sought a lone destiny, or could have reunited her fate to the nation from which she had just been wrested. The keystone of the arch could be withdrawn and a weakened, shattered, broken arch remain.

Were this doctrine of secession true, then, this proud edifice of freedom which our fathers thought they had founded on a rock, which they thought would stand the shocks of war or waste of time, would rest upon ever shifting treacherous sands, to be swept away by the impetuous currents of passion; the edifice itself a mouruful ruin. This doctrine once acknowledged and received, all the bonds of society and government would be loosed; order and stability be no more; confusion, disorganization and anarchy would prevail.

Support is sought for their doctrine, in the resolutions of Kentucky and Virginia. It can find no shelter or nourishment there. These resolutions were interposed to shield the Constitution from a fatal blow. They breathe a spirit of warmest devotion to the Constitution, and express a determination to guard it against all wrong. No idea of secession is conveyed in those resolutions. Secession relates to a condition out of the Union; those resolutions to a condition within the Union. Nullification at one time nestled itself under their cover, but an unwelcome intruder, it was soon driven out. It is true that from detached sentences wrested from their context here and there, inferences may be deduced favorable to nullification, but the entire resolutions utterly repudiate this idea. They demand a co-operation of each of the States, as is clearly expressed in the closing paragraphs of both the Virginia and Kentucky resolutions. The action designed was that of influence, not of hostile resistance, as is distinctly declared in the eighth of the Kentucky resolutions. John Taylor, of Carolina, the mover and champion of the resolutions, said the appeal was to public opinion—if that is against us we must yield. Mr.

Munroe, Governor of Virginia, in his message to the Legislature, in December, 1800, alluding to the alien and sedition laws, and the resolutions which were a protest against them, says, "the General Assembly and the good people of this Commonwealth, have looked to a change in the public opinion which ought to be free, not to measures of *violence, discord and disunion, which they abhor.*"

The sedition law, odious to the people of Virginia, and declared by these Resolutions unconstitutional, was carried into effect at the Capital of Virginia, by the conviction of Callender, and by his fine and imprisonment; and he was still imprisoned when Mr. Munroe delivered the message to which I have alluded, and the Legislature sought, in no manner, to interfere with the execution of the law. This fact alone would fix an unmistakable construction upon those resolutions.

Those who framed the Constitution never contemplated secession as a Constitutional right; if they had, they would have made provision for it. They would not have left such an important right to be so imperfectly protected, that the sword would be required to defend it as a right. Those men were sagacious, comprehensive, direct, and simple. In lucid intellect they framed a Constitution; in the clearest and most explicit language, they expressed that Constitution, without the first provision that contemplated a disruption of the Government, without any sentence or sentiment that breathes of secession.

They knew that perpetuity was of the very essence of all Government, and they spoke no word to indicate that this was designed to differ from all others.

But enough of secession, my instincts turn me away from it, my feelings revolt from it, my reason condemns it. In the Government it is developed by an illiberal and limited policy; in the nation it accomplishes no grand results, leads in no march to a glorious future; socially it is a source of sectional jealousies and sectional feud. No Government is stable, no organization solid, no society settled, that is based on the treacherous sands of secession.

Did our Fathers build this great temple of liberty on such a foundation? Then, indeed, they were like "unto the foolish man, which built his house upon the sand, and the rains descended, and the flood came, and the winds blew, and beat upon that house, and it fell, and great was the fall thereof." No, they were wise men, they founded it upon a rock, to stand forever—may it be perpetual. I trust in God the time may never arrive, when the doctrine of secession may be popularized on the shores of the Pacific.

The causes that have conspired to bring the country into its present perilous condition have been variously assigned. Each one looks at this subject from his own stand-point, and each one has a different grouping in his eye. Of the general sentiment of the North, in opposition to slavery, I have but little to say. That sentiment prevails, and will continue to prevail, as we all know, and if the Union continues it must continue in toleration, equally of both the Northern and Southern sentiment upon this question. The Southern man will continue to pronounce slavery a blessing and Christian institution, and prove it by the Bible; the Northern man, to pronounce it a bane, and condemn it by the Bible.

The mere election of a Republican President is one of those results, as to which there can be no compromise—men will vote for whom they please. This particular election, that of Mr. Lincoln, in all probability, never could have been effected, but for the divisions in the Democratic party; when the President of the United States, backed by the Seceders, carried on a ruthless war of proscription against Douglas and his friends for years; endeavored to drive them to the wall. In this the Administration failed, disgracefully failed. Douglas, with the Democracy around him, met the Administration right at its very citadel and fortress, at Charleston, and there struck it down, with its guards and its retainers, and its allies. A factious minority seceded, in violation of all the usages of the party. That minority, although rebuked by an overwhelming vote—by a vote of about 1,200,000, to a vote of 600,000—two to one, yet had the power to defeat Douglas, and thereby to elect Lincoln. These men—these seceders, and those who co-operated with them, have but little reason to complain of the election of Lincoln.

Any acts for the purpose of depriving the owners of slaves of their property, any attempt to incite insurrection among slaves, should be, and are regarded, as criminal by the great majority of the people.

But few, but very few, of those who escape from service are instigated by citizens of the United States; and when it does occur, it does not follow that it is a Northern man who does the wrong. I do not believe that the violation of rights in this kind of property, is equal to that of other kinds of property. Larcenies and robberies are committed, to a vast extent in California. By these crimes the owners of property in California are subject to great losses annually; greater, probably, than any Slave State of slave property. Criminals will be found every where. It is for such persons that prisons are constructed and penalties enacted, and if criminals go unwhipt of justice, it is no cause for the party who is wronged to become a wrong-doer—a criminal himself, and resist and seek to overthrow the laws of his country. It is a cause, however, for seeking the reformation of the community, and the perfection of the Government. For the turbulence and violence of individuals, for the ravages and barbarity of bandits and brigands, in Kansas or in Texas, whether by Northern or Southern men—fiends I should say—for the John Brown raids, or the raids from any section or State, I hold neither the North or the South responsible—neither the North or South monopolizes acts of vindictiveness, violence, cruelty or crime. These are not general, but partial evils; they are but eddies in the grand river of American thought and sentiment, and indicate, in no degree, the mighty sweep of its current. All obstructions to the execution of the Fugitive Slave Law is a flagrant wrong, and a just subject of complaint, and any State legislation which impedes or interferes with the execution of that Law is unjustifiable and unconstitutional. But such legislation has attracted but little attention till quite recently; and South Carolina and other States which precipitated the revolution, have experienced but little, if any injury, from such legislation, save that of wounded feelings or offended pride. The wrong may be no less by the States thus legislating; but if South Carolina and other seceding States have suffered no injury, they should leave it to those States who have suffered, to seek redress. The border States that have suffered all the inconveniencies and losses accruing from Northern legislation are anxiously endeavoring to check the hasty and revolutionary actions of the extreme Southern States, and earnestly seeking to preserve the integrity of the Union. But, notwithstanding any unjust and unconstitutional acts of State Legislatures, the Government of the United States, the common agent of all the States, has executed the Fugitive Slave Law, and no State has experienced any grievances, in this respect, from the National Government. The Northern States that have done the wrong, are already reconsidering their Personal Liberty Bills, and similar Legislation, which will, ere long, doubtless, disappear from the Statute Books. In the period of one year,

there will hardly be a trace of this perverted Legislation. Why, then, should the seceding States seek to break up the National Government, which has done them no wrong, and when such States as may have done them any wrong by any Legislative acts, are about to repeal those acts. To over estimate, exaggerate, and give undue importance to any particular cause of disaffection, is next to misunderstanding, altogether, the true cause. South Carolina, who has undertaken to put herself out of the Union, and lead off other States, has not been moved to this by any recent causes. She has been a disunion State for thirty years. In 1832 and 1833, she was as rebellious as to-day; undertook to rescind the entire Revenue Law, so far as that State was concerned; refused to pay any duties, and was ready to embroil the country in civil war. Then she alleged her burdens to be just as grievous as now.—Again in 1850, she thought it was valid cause to dissolve the Union, because California was admitted as a State, and at that time her orators and those of kindred spirit—Yancey and others—were as willing, but not as ready as now, to plunge the South into revolution.—South Carolina has been the cause of more trouble to the Government than all the other States combined.—She is frequently styled, by admiring friends, the "Harry Percy of the South"—she has been so styled on this floor. The application may be just. Impatient of restraint, intolerant of difference of opinion, defiant and domineering, fiery and factious, jealous of his equals, and haughty to his superiors, a rebel to his Government, was Harry Percy. May the coincidence close here. Harry Percy died on the field of battle, slain by Harry Monmouth, his sovereign lord. South Carolina has long been biding her time, and at last, in an imbecile hour of a dying dynasty, found an opportunity to precipitate to revolution, so long studied by her leading, disorganiziug spirits, and in all her haughty, imperious temper, is a fugitive from the Union—defying its power. So far as South Carolina is concerned, and perhaps the seven States that have formed the Southern Confederacy, there is but little hope for any compromise, or their voluntary return to the Union.

For a long time a portion of the South have believed that an Independent Government would most advance their material interest and prosperity. They look upon their great staple as controlling the world, and that nations are, and will continue to be, dependent upon them for a supply. "Cotton is king," is their motto.—These three words explain much of the political developments of the day. They look forward to the time when, with free trade, the commerce of the world will be brought to their shores, and its wealth poured out into their lap. Another view they entertain which disaffects them with the North. They say that their cotton and other products, constitutes one-half or two-thirds of the exports, and to that extent they pay for the imports; that the duties on the imports are paid, not by the consumer, but by the exports. This theory, for which Mr. Calhoun so earnestly contended, has heretofore produced and still produces its alienating effects.

Again, many of the Southern people of the Cotton States, regard the opening of the slave trade as a source of unbounded prosperity, by which the product of their great staple could be largely increased—a trade that cannot be re-opened so long as the Union maintains its integrity. There is another consideration that influences them—that of empire, Its path is seen leading to the Halls of Montezuma and the dusky lands of Central America. New domains are spread out Southward before them, and they contemplate a magnificent Southern Republic; where, with new sources of labor and unity of institutions and homogeneousness of pursuits and purpose, they may flourish undisturbed by any conflicting sentiment. Such considerations influence largely the seceding States, and will be formidable barries to any re-union. There is, however, a larger portion of the South, that is uninfluenced by any such considerations as those to which I have referred, that would oppose many of these views, and that earnestly desire to maintain the Union, while, at the same time, participating largely in the prevalent disaffection. I respect the general traits of character of the people of these last mentioned States. I admire their earnestness, their frankness, their directness, their habitual fidelity to the Constitution and laws; their valor in war, their order in peace. Much should be conceded to their wishes and judgment at this time. The North should bind those States to them; I trust it will be so.

The immediate cause which has disaffected and distracted the country, has been the long, protracted political struggles in Congress to secure supremacy through the agitation of the slavery question. This question has even been made subservient to political purposes; and in the acquisition, and organization of Territory, it has been a most distracting element.—Congressional intervention has proved a mischievous doctrine. The extreme men of both section have made the Halls of Congress their battle field upon the issue of slavery. In this dire strife, it has been sought to make Congress a selfish, partisan, despotic power; to sink its national character, to make it an agent to build up one section of the Confederacy, regardless of the rights of the other. I do not design to elaborate or enter into any details upon this point. This strife in Congress has never accomplished any good whatsoever. It has utterly failed to make any State free or slave. Its results are only seen in the unsocial, anti national, belligerent sentiment that exists in different sections of the land. Let those who love their Constitution and country endeavor to banish this slavery question from the Halls of Congress, where all the bad spirit engendered at once finds its way into every nook and corner of the national domain. Send no longer from the great heart of the nation, through all its veins, the dark and bitter streams of sectional feud and sectional passion, to poison all who may drink thereof.

But let the dead bury its dead. Let us turn from the past to the present, and future. Seven States have seceded, and with bold front and defiant brow stand unabashed before the nation to *pronounce* the dissolution of the Union. We hear that cry of fearful significance, *revolution*. New flags, with new symbols, are given to the breeze. Men rush to arms; the fortresses of the Government are fortified against the Government. For the first time in the history of the country, the national guns are turned against the nation, by its own children. Petty nationalities, the dismembered fragments of a great nation, are springing up here and there, proclaiming that ancient compacts and governments are no more. We see a tumulteous people, borne along on the surges of passion, seeking to destroy the proudest political achievement of the world.

There are times when men shrink from wandering through the dark and intricate mazes of revolution, uncertain whether the future has in reserve for them the patriots glory, or a traitor's doom. But here is no faltering. State after State turns its back upon the time honored banner of its country, and amid the wild orgies of anarchy and revolution, deludes itself with the idea of regained freedom. From all the facts in the case, it is evident that South Carolina and the Gulf States are earnestly bent upon seceeding from the Union, seeking in any thing a cause, and seeking in nothing a compromise.

Daringly and defiantly they have inaugurated a revolution, which if hitherto bloodless, is not owing to

any moderation on their part. The most aggravated and aggravating acts of war have been committed by the revolutionary powers. The forts of the United States seized here and there, on a long line of coast from Charleston, down around the Cape of Florida, along the Gulf of Mexico, to the Mississippi; and on the Mississippi the navigation has been interrupted, under hostile guns. A vessel containing forces and arms of the United States has been fired upon. Insulting war is made upon the Government, and its most sacred emblem of nationality and power scorned and defied. Had such outrages been committed by any foreign nations, the universal cry would have been to arms.

What is the power, what is the duty of the Executive department, in such a state of affairs? to capitulate, to surrender, to revolution at the first demand? To announce in advance that if any body resists the laws, nobody shall enforce them? The duty of the President is defined in the Constitution, and is unmistakable. "He shall take care that the laws be faithfully executed." This is his oath, "I do solemnly swear that I will faithfully execute the office of President of the United States, and will, to the best of my abilities, preserve, protect, and defend the Constitution of the United States." Now, according to his "oath and bond," the President has no discretion in the matter. Such is his oath—such is his duty.

One of the principal powers of the National Government, is the collection of the revenue. Without revenue the Government could not stand, could not exist. It is a power to be exercised unremittedly. At all the ports of entry in the United States, duties are required to be collected under the Constitution and laws of the United States, Charleston, South Carolina, not excepted. "No preference shall be given to any regulation of commerce or revenue to ports of one State over those of another," says the Constitution.

If Charleston, Savannah, Pensacola, Mobile, are ports of entry, they are entitled to no preference over Norfolk, Baltimore, New York or Boston. If the duties are collected in one place they must be collected in another. There is the same power to collect them in one place as in another. If the President has not ample powers now for this purpose, Congress can easily confer that power, and that power can be so executed as not to afford a rebellious people any coveted opportunity they might seek of shedding blood in resisting the law. What power Congress will confer is a matter of discretion with the Congress. Is any one prepared, by his vote, to declare that the Government shall not collect revenue at Charleston. Then he is prepared to say that it shall not be collected at any other port. Then he is prepared to say that *no law shall be enforced*, except by the consent of the party upon whom it is to operate. But it is said that the State has interposed and forbid the National Government from collecting revenue. The Government has nothing to do with the State in the collection of the revenue. It has one uniform law, operating upon all alike, and in all its borders. If a State can, by law, repeal the Constitution of the United States, or the laws made in pursuance thereof, then it can constitutionally and legally prevent the collection of revenue. But it is further said, South Carolina has seceded; is out of the Union; has so declared by ordinance; is an independent State; therefore the Government has no right to collect revenue at Charleston. Well, if South Carolina has a constitutional right to secede, then the conclusion is correct that the United States has no right to collect duties at Charleston, or to enforce any laws in South Carolina.

There are, however, but few persons in California who maintain this doctrine.

There are but two modes by which the Constitution can be limited, extended, or abandoned. One, peaceful, deliberate, and proper, by amendments in conformity with the provision of the Constitution, and the other violent and forcible, by revolution.

It is argued that South Carolina and other States *have established, by revolution*, a government *de facto*, and therefore they are not subject to the laws of the United States. But the facts of the case do not justify this view. The seceding States are not an *independent* government, for their independence has not been acknowledged at home or abroad.

They have no ability to maintain a government against the will of the other States. The Congress of the United States, with which is the power "to declare war; to raise and support armies; to provide and maintain a navy; to provide for calling out the militia; to execute the laws of the Union, suppress insurrections and repel invasions," has not as yet abandoned its domain or authority, nor given any indication that it intends to do so.

The great harbors of the revolutionary States are still controlled by the forts and navy of the Government, and subject to its authority.

Fort Sumter and a gallant colonel stand to guard the avenues of commerce. May no government, may no executive bring upon itself the undying infamy of sacrificing that true soldier and his little band, so long as there is an army of the Union to cover that fortress, or a navy to hover around it. While the trade and commerce of those States is thus under the National Government, they have no such "de facto" government as would be recognized abroad, or would be able to prevent the collection of revenue. Whatever may be the internal power of the revolting States, so long as the sea is closed to them by the forts and vessels of the Government, so long the revenue can be collected, and then be a bloodless execution of the law, unless a conflict be sought and pressed by the revolutionary power. The party undertaking to exercise force in the resistance to law, should not complain of the exercise of force to execute the law.

I have said the President has no discretion as to making use of the powers and means provided for the execution of the laws. He should have none.

If Congress provides no mode, no ways and means for doing this, then the President is powerless. But in order to have any government, the laws must be executed.

Passively to allow the laws and authorities to be defied by any body of men, would bring the Government into contempt, degrade it at home and abroad, endanger its existence, and leave it at the mercy of caprice, passion, perverted understanding and corrupt sentiment, and would be an abandonment of the rights of the great mass of law abiding and law making citizens. Such a government would invite resistance to all its mandates, would drivel out an embecile existence, or disgracefully tumble to pieces.

Let the President see that the laws are executed, as far as he has it in his power so to do. Let him not leave that undone which self respect demands, and which cannot be omitted without dishonor. The flag of the Union should proudly protect its capitol, its fortresses, its vessels of war. Less than this, were an utter degradation of nationality.

For a government to abandon its forces; to leave them when menaced and imperiled; to be overpowered and sacrificed without an effort to render aid, would be a burning shame, an infamy beyond a crime, for which it would deserve ignominiously to die. The President has no authority, under any circumstances, to make concessions to revolution, or to recognize the separate and independent existence of any portion of the coun-

try. The President must exercise all the powers conferred upon him to execute the laws, and to maintain and defend the property of the United States.

I can sanction no such political solecism, as a government with no right to execute its laws. I can advocate no such absurdity as that of being in favor of laws, but being opposed to their execution. But while I hear denounced as coercion the execution of the law by the Executive—which if he neglected to attempt, having the power, would be in violation of his oath—I hear no denunciation on the part of those gentlemen of South Carolina and other States, for attempting to coerce the Government, by making open defiant war upon the Government; attacking forts; firing upon the forces of the United States; seizing her revenue cutters and revenue, by force—While garrisons, feeble in numbers, but mighty in spirit—forlorn hopes of the Government, pressed by an unrelenting foe, are beleaguered and threatened with extermination—we hear no word of cheer for them from those who feel so much, who have so much sympathy for rebel States. I confess my sympathies are with the Government, not with those who are defying the Government. The only practical question raised so far, is, how long and to what extent will the Government be coerced by the revolutionary States.

But while the Executive Department has but one straight forward course to pursue, *it is for the Congress of the United States to determine at its discretion*, whether it will undertake to subdue revolution, or whether it will yield to its force and recognise its power. This right either grows out of the very nature of government as a necessity, or is the direct result of the war making and revenue power. If a nation were engaged in war with a portion of her own people, it could not await the slow and uncertain results of amendments to the Constitution, to determine how far it would prosecute the war, or when it would make concessions.

No Government can provide for its dismemberment, or its overthrow by war. This right, discretionary in character, and unlimited in degre , must and will be exercised, according to the exegencies of each particular occasion. The revolution may be so feeble as to be easily crushed out, or it may be so formidable as to defy or overthrow the Government.

Had Buchanan discarded, at an early day, those advisers and Cabinet officers, who were prompting this revolution, and taken bold ground against them and it; exercised all the power that he possessed to suppress it; amply garrisoned the forts that controlled Charleston, probably to day we would have heard of no dissevered States. To-day, by his neglect, this revolution is beyond Executive power.

But it is contended the Government has no right to coerce a State. Let me deal as directly and briefly as possible with this point. Authorities are cited to sustain this. It is said that a number of resolutions were offered in the Convention that framed the Constitution, authorizing the Government to coerce or use force against a State, and they were all voted down. Therefore it is argued the right does not exist. I reply to this that all the resolutions referred to proceeded upon the supposition that the States were to be required to execute the laws, as under the old Confederation, and some mode was sought by which if refractory they might be compelled to comply with the exactions made upon them. For instance, if Massachusetts or Virginia should be called upon to pay $1,000,000 into the Treasury, to support the Government, and should refuse to do so, was war to be made upon such State to coerce it so to do. This was the question. The members of the Convention very wisely concluded that States could not be coerced in this way.

But the Convention abandoned the whole idea and principle of calling upon States to execute the laws, but provided for a Government that could execute its own laws, and directly upon individuals.

Therefore all argument sought to be based upon such resolutions fall to the ground, as the principle to which they had reference was abandoned.

Again—The general government has nothing to do with States in executing its law. States are not known by the Government in the discharge of its duties. Operating upon individuals by virtue of the Constitution and the laws made in pursuance thereof, the government has full authority to execute its laws, and no individuals can by their own acts change their constitutional relations or obligations to the Federal Government. Resistance to the execution of the laws, whenever made, is made by the individuals who undertake so to do. The phrase, *coercion of a State*, when applied to the acts of the government in executing its laws, is most grossly misapplied. It is maintained by some of us that the government has a right to defend her ports against hostile attacks —to protect her arsenals and custom houses, and revenue vessels, and mints and treasure from seizure—to save her army from massacre—to stand unmolested upon her own soil where she has exclusive jurisdiction by virtue of the Constitution. There are some of us who believe all this, and regard it as only a self-defense, and a proper execution of the laws. I do for one, and unreservedly. On the other hand there are those who indignantly deny such power and right, and pronounce it unauthorized *coercion of a State*. If the right is denied to the government to execute its laws and defend its property, then all argument ends. If admitted, then the right of the government to do all that is necessary to be done, to maintain the Union in its integrity, is conceded. Then the people of South Carolina have no right to go out of the Union, but must abide by the laws of Congress, submit to the decisions of the Federal courts, and this is all that is required of them. A State will be a member of the Union so long as it abides by the laws willingly, or so long as the government causes the laws to be executed.

We are now discussing constitutional rights, not revolutions It will always be a question of State policy when a revolution has once become efficient, when, if at all, and under what circumstances, concessions shall be made. Under our government the right to determine this policy must devolve upon Congress, as it has the power "to declare war, to raise and support armies, and to lay and collect taxes, to provide for the common defense, and general welfare; to call forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions." While pride, self-interest and self-preservation will dictate to a nation not readily to suffer itself to be dismembered, not too easily to yield to insensate revolution, yet it frequently becomes a necessity to relinquish power and domain both in foreign and civil wars. It being a question of State policy, the rights exist as much at one time as another. It is not necessary that revolution should be met by war before concessions are made, that devastating campaigns and ensanguined fields should precede the birth of a nationality. If, when a people or a State, raises the standard of revolt, their cause, their position, their character and spirit and power, are such as to guarantee success, then a nation may well hesitate whether it will enter upon a desolating and deplorable war with its own citizens.

What must be had, better be without national bankruptcy, or national desolation. Seven States—seven members, of this Confederacy, have violently broken away from the friendly protection and power of the national government, and under such attending circum-

stances, as to leave no doubt that they now intend to maintain their asserted independence by war. It is a doubtful question whether these seceding States have sufficient population and wealth, as to enable them to maintain an independent government, against the will of the nation.

The total population of States and Territories in 1860 was 31,649,000. The seceding States have a population of 5,050,000 composed of 2,700,000 white persons, and 2,350,000 slaves. The remaining Southern States have a population in all of 7,949,000, composed of 6,300,000 whites, and 1,649,000 slaves. The free States have a large preponderance over the slave States of white persons, being 19,000,000, against 9,000,000 of white and 4,000,000 of slaves, in all 13,000,000.

The power and population of the seceding States is small compared with the remaining States, 5,050,000 to 25,597,000. It is true that now the government of the United States can control the commerce of the seceding States, that it can collect the revenue, so long as it is in possession of the forts that command the ports of entry. But if the seceding States have determined that they cannot and will not remain in the Union under any circumstances, would it not be advisable, when that fact is fully ascertained, to consent that they go in peace? If however the seceding States are determined to leave, and if they wish for a peaceful separation, it is at least due to the great government, in whose prosperity and glory they have so long participated, that they should come to this government peacefully, and ask for a peaceful separation. It is at least due to the government that they should not at once enter upon a warfare, upon the government they seek to abandon. If they will come to the government and seek in a friendly manner to arrange the terms of division, if they will enter into such terms of stipulation, as the future peace and prosperity of both parties may require, if an amicable adjustment can be made, so that the Mississippi can be free, as now, for the ingress and egress of persons and property, without restraints or burdens, then for one I say, if the *people* of the seceding States, after due deliberation and full opportunity to be heard, determine upon going, let them go in peace.

Without some exact and satisfactory adjustment of this nature, difficulties would at once ensue. Those mighty nationalities that stretch from the States on the Gulf, all the way up the Mississippi, to the icy fountains of the North, will never consent to any interference with the free navigation of that river. Kentucky and Tennessee would stand in the line of battle with another Jackson at the head of the column ere they would allow themselves thus to be despoiled of their inheritance.

The people of California are most anxious to maintain this Union as it is, and would probably agree to most any plan that has been proposed in Congress for the sake of peace and union; but what the South would accept, and the North sanction, it is difficult to determine. Congress has exhausted itself in efforts at compromise and conciliation, but thus far without any apparent prospect of success. The hopes of the country are now resting upon the convention recently assembled at Washington for some satisfactory adjustment of difficulties, and I do believe, anything that the Convention agrees upon, ought to be satisfactory to the country.

But little is required to maintain this Union in firm and friendly relations, except as to those States which have already formed the Southern Confederacy. But little is required to divide it along the line that separates the free States from the slave. The great obstacle that stands in the way of adjustment, is slavery in the Territories.

Strange to say that in New Mexico, a slave Territory, with laws for the protection of slavery, for ten years past—a Territory of two hundred thousand square miles—there are to-day twenty-four slaves and but twelve of them domiciled. Yet it would seem that the South was ready, that the North was ready, for such an insignificant cause, to jeopardise the peace and prosperity of the country. Let either yield this point to save the Union. Those who are ready to yield the most will be the truest friend of their country. Let us settle our matters of difficulty now, if we can by any honorable terms, by any magnanimous concessions. It is easily done. Write now in the Constitution of our nation a few brief lines which concede a theory, rather than change results, and passion and turbulence subside, the grim look of war becomes placid and peaceful, and ancient friendly sentiment is renewed. Leave them unwritten, and the sword flashes along a line of divided States, divided slave and free, and the swift waters of the Potomac, and the lingering stream of the beautiful river may flow in purple current to the sea. "The pen is mightier than the sword."

It is frequently asserted, here and elsewhere, that *this Union is dissolved by the secession of several States.* Is it so? The only modes set up for an escape from the Union, are through secession or revolution. Secession is either a Constitutional right, or it is revolution. Admitting, for the sake of the argument, it is Constitutional, then secession is a Constitutional right or a privilege which a State can exercise or not when it chooses. The right must be as perfect to remain as to leave. The exercise by one State of such a right controls no other State. If it is a privilege belonging to each, then each State remains with its relations unchanged till it chooses to change them. But regarding secession and revolution as the same, which they are, I say that in a revolution, it is only that portion of the people who successfully maintain their revolt against the existing Government that are released from their obligations. In a revolution there are no boundaries to it that can be prescribed in advance. The power to defend a certain territory, or to maintain a Government over it, is the only mode of determining the extent of the revolution. All territory beyond this retains its former relations. In a war between nations this principle is always recognized. At the close of the war, each nation retains what it possesses, until different relations are established by negotiations.

Again, the seceding States are not out of the Union. Their independence has not been acknowledged by the United States, nor have they been so recognised by any other Government. This Government to-day controls their harbors, their commerce and trade. What sort of an Independent Government is that which, in all its relations save those that are internal and domestic, is controlled by another?

Again, the Constitution settles the question that the departure of States does not absolve other States from their obligations. The Constitution provides that "The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same." The Constitution was just as obligatory when there were nine as when there were thirteen States. If after nine States had ratified the Constitution, the other four of the old thirteen States had come in and then immediately declared themselves out, and maintained separate Governments by force, would not the Constitution have been binding upon the nine States that had previously ratified it in accordance with the express provisions of the Constitution.

Again, it is said by those who maintain that State obligations are changed by the secession of a State or States, that they did not come into any such league,

Non in haec foedera veni—that California entered into a Union with thirty States, not with twenty four. If this were sound reasoning, then whenever an additional State was admitted into the Union, all the States would be absolved at once from their obligations, at all events all those which did not assent to such admission. Several of the Southern States opposed the admission of California into the Union; then such States, according to this reasoning, went out of the Union when California came in. Relations are changed by the admission of States as well as by the secession of States. The balance of power, the influence of certain sections in the Government, is varied by such admissions, and the policy of the Government changed. Thus it has been in our history.

Again, a State when entering this Union, pledges herself not to any State but to a Constitution, which she solemnly adopts, and her obligations are to such Constitution. If one State becomes untrue to her pledges, and repudiates all her obligations, how can this justify another State for a like dereliction or crime?

The conclusions then, at which I arrive from the views I have expressed, are as follows:

1st. That secession is not a Constitutional right, but a revolutionary remedy.

2d. That the Constitutional obligations of the States remaining in the Union are not affected or varied by the acts of the seceding States.

3d. That it is the duty of the Executive to enforce the laws, and defend the property of the nation to the extent that the Executive is empowered so to do.

4th. That it should be a paramount consideration to preserve the Union, in the kindly spirit of Union, and for this purpose that several plans of compromise, similar in principle, but differing in details, that have been proposed and advocated are preferable to disunion.

5th. That whenever it may be satisfactorily ascertained that the revolting States are freely and deliberately sustained in such revolt, by the people of their respective States, then a peaceful separation is preferable to a civil war.

I had proposed to speak of a Pacific Republic in the spirit of the resolution I offered upon that subject. It is too mighty a theme, and I will only briefly state a few propositions. No such government would be capable of maintaining itself prosperously in peace or gloriously in war. The Government has expended during the past year, in bringing the mails to California, $931,000 more than it has received, while its expenditures for the army stationed in California, and for its navy yard, and harbor defences, and light houses, and for the Indian department, and for all its offices, Executive and Judicial, are probably a million and a half or two millions annually more than it receives from the Custom House, and all these matters are managed with far more economy by the Federal Government than they would be by the State. This State, staggering now under the burden of $1,200,000 of taxes annually, how could it bear up under the weight of three or four millions, or more annually, added to its present burdens. This expense must continue to be incurred or to all the national works intended for our protection, and promote our prosperity, must remain unfinished, useless, mournful monuments of our folly; a sad testimonial of our premature decay. And how in war when our feeble State had invited the rapacity of some great power, how would she maintain an army and navy if peace would bring such burdens.—The valor of her sons would leave no stain upon her escutcheon. They would stand undismayed upon the loud-sounding shores of the sea, to beat back the foe. They would defend her mountain passes as bravely as the gallant band at Thermopylae, and die, if necessary, in obedience to their country's laws. But individual valor would avail but little in defense of our coasts and harbors, against one of the great naval powers of the world, and by naval power, if ever, would the State be stricken down. The robes that would be wrapped around her defenders would be bloody indeed, but borne from no Atlantic shores. Even now Great Britain presess haughtily upon our borders, and claims to hold the key to the northern sound; and our great national government has succumbed to her power, not only once but twice upon these very shores.

The Government of Great Britain is now watching for commerce and empire with an eye further seeing, with a bolder glance than that of *our eagle*. Her guns could sweep from the sea every vestige of our commerce, and of our maratime existence. Piracy and privateering would become rife on this coast, and the treasures of gold and silver would have no security upon the ocean, were California to cut loose from the Union of the Northern States and Washington to remain there would be built up within the borders of that land upon her noble inland sea a city that would rival if not surpass the cities of the Pacific, favored and fostered by the Great Republic of the free States, if such Republic there should be. Then would the long contemplated railroad reaching these shores, either from Canada or the Northern States, or both, aggrandize another city than San Francisco. But when we talk of an independent Pacific Republic, who knows that this would ever be with the agent of the government of which we now form a part, and without that agent who knows that it could be.

The business relations of California are chiefly with the North. By the capital and energy of the North, if at all, will a railroad be constructed to California. Her commerce seeks our shores. Her vessels flit over these seas seeking new trades, new ventures and new marts. To the commercial character and enterprise of the North, California will ever look for an industry and power in which she is deficient, and with which she cannot and will not be supplied to any great extent elsewhere. The prosperity, interests and intercourse of California are intimately blended with the North, and it is a far distant period when California can be an independent Republic.

If there is a phrase that would be a synonyme for State bankruptcy, political insignificance, and national impotence, it is that phrase, "A Pacific Republic."

I will only further say that whatever may be the result of the existing difficulties, I hope and believe that California will stand under and by the Flag of this Union, and if it should be hereafter recorded "that some stars had shot madly from their spheres," let us not so much mourn for that which is lost, as rejoice in that which is left. The pleiad may depart from the heavens, but the constellation will remain. The American Flag, "striped with martyrs blood and glittering with the stars of lofty promise," sweeping our thoughts, our sentiments, our aspirations to wider spheres of influence, glory, and liberty, oh, let no spoiler here in this our chosen, cherished land, seek to strike down.—Let it ever be seen "in the morn's early light," and "at twilights last gleaming" floating over *our capitol*.

Let us give no heed to the dull conceptions and sordid sentiments of those who would substitute the cactus and the bear—indications of a desolate land, of a savage life, for the pure ever shining and beautiful emblems that originated in the brilliant genius, the burning patriotism, the lofty design of our illustrious Revolutionary Fathers. Let California still beam a star, no solitary star, upon the Pacific Sea, and amid the radiant light of her sister stars, that cluster around her, blend her rays with their rays and amid them and with them forever shine.

STATE OF THE UNION.

SPEECH

OF

HON. JOHN DOUGHERTY,

Of Sierra County,

Delivered in the Assembly of California, February 14th, 1861.

[PHONOGRAPHICALLY REPORTED BY A. J. AND G. V. MARSH.]

In Assembly, Thursday, February 14, 1861, the Union Resolutions being under consideration, as the special order,

Mr. DOUGHERTY said:

Mr. SPEAKER: Having waived my opportunity for a few days past to express my views upon this question, I now desire to avail myself of the indulgence of the House for a short time. Sir, in rising to speak on a question of so much moment, I feel all that deep responsibility with which the question is clothed, involving as it does the question, Shall the greatest Government that ever has existed on the face of the globe remain for the purposes for which it was instituted, or shall it crumble upon the heads of those who constituted its power and who receive its beneficial protection? I am aware that the discussion of this question involves that of the very existence of the greatest—the empire Republic of the world. In the establishment of the present form of government it has been wisely decided by our ancestors, by the revolutionary sages of this republic, that the power of this Government should be lodged with the mass of the people. A new and important theory upon the science of government was thus introduced by those who are now no longer among us, those who struggled with untiring vigilance for the establishment of this great experiment of government, this system under which we live, and which protects our rights, which are paralleled by no other rights enjoyed by any nation under the light of heaven. They declared that the great principle of government and the power of the same is lodged with the mass of the American people. And the time has now arrived when the question is presented, solemnly presented, to the consideration of that sovereign power, presented for the consideration and the final action of what is legitimately the sovereign power of this great Republic. The question is submitted to the American people, to the power which is capable of disposing of that question for weal or for woe, whether this empire Republic, this collosal temple of liberty, the base of which extends from the Atlantic to the Pacific, shall fall, crushing beneath it the liberties, the happiness, the prosperity and the national existence of thirty-one millions of free people. In view of the importance of this subject, Mr. Speaker, I rise here with that delicacy, with that intimidation which necessarily presses itself upon every person, upon every member, whether he be a member of a deliberative body in a public capacity, or whether he converses in a private circle. The great question, the great theme of the day is, shall the glorious Union, the glorious American Republic survive the present shock, the ordeal through which it is called to pass at the present time. The sovereign power having been lodged in the hands of the people, that sovereign power being the mass of the people, whatever errors, whatever difficulties, whatever unhappy state of feelings, whatever danger exists at the present time, has sprung from the hands, from the doings, of that sovereign power, and whatever remedy may be deemed necessary to cure the existing evils and restore peace and harmony to our country, to consolidate its efforts again in one united empire as a nation, must come also through that sovereign power, must come from the hands of the people. We hear this question discussed through the entire length and breadth of our country, we see this question shaking the confidence and the hearts of patriots, we see the question, Shall the American Union survive the present danger? intimidating for the time being the American statesman. The sage American statesman is caused to tremble when he rises in his place in the United States Senate. In that high position in which they stand the representatives of the States, we find the sagest Senators trembling in the effort when they rise to discuss the momentous questions, Shall the Republic survive the shock? What are the perils? And what are the remedies? When these questions are approached they carry with them that unfailing effect that sinks deep into the heart of the patriot and the lover of liberty.

I do not desire, sir, to occupy the time of the House at very great length, but I do desire to present some views which have not been presented in the remarks of those who have preceded me. The great question upon which is suspended now the

difficulties of the country is, Has the American Government under the Constitution of the United States, power to prevent the Republic from crumbling to pieces? Has it power to prevent the dismemberment of this Republic? And upon the other hand, in direct opposition to this power which we claim is lodged in the Constitution of the United States, is the absurd and exploded doctrine that the States have power to crumble the Republic and dismember it at their will; that they are beyond the reach, beyond the control of the Federal power of this Government, and that the question of secession, the question of disunion, is one legitimately belonging to the several States, that at will they can exercise that power, that our great edifice of liberty is at the mercy if you please, of the smallest State in this Union. Now, Mr. Speaker, I desire to address myself to that question, and to endeavor to present logically whatever claims it may have to truth, and whatever its errors may be. This Government, sir, is based upon a written Constitution, and in that written Constitution, presiding over the family of States, is defined most specifically the rights of the several States and the rights of the General Government. Those rights are carefully discriminated. In that written Constitution we find certain rights which are at the present time denied. And before I enter upon the consideration of the unconstitutional and revolutionary acts of certain States of this Union, permit me, sir, to define my position with reference to the constutionality of those acts of the seceding States. Sir, with regard to the acts of the several States that have seceded, that claim the doctrine that secession is legitimately within the power of the State Government, and that it is the right of the State Government, I claim that they are not only unconstitutional, but that they are revolutionary, under the Constitution of the United States; and that in that secession and the seizing of the property of the Federal Government, those leaders who have consummated this secession thus far and to such an extent, are guilty of treason against the Constitution of the United States. [Applause.] Now, sir, a word further upon that subject. I hold further, that those States that have raised what they call the Palmetto Flag, have been guilty of raising the standard of rebellion and opposition to the constitutional powers and functions of the Federal Government. Did I say the "Palmetto Flag?" Sir, permit me to withdraw that language and use the words which justly express the very idea I wish to convey—the very sentiment I wish to express—I mean, Mr. Speaker, that *Tory rag*, raised in South Carolina against the glorious stars and stripes of the Union. [Applause.] If the edifice of liberty reared by our fathers, which has now stood the admiration of the world for four-fifths of a century of progress, can be thus undermined and revolutionized, and its existence endangered or ultimately destroyed by the action of a small State, at least numerically and politically small and insignificant, compared with the interests and the property of the vast number whose interests are at stake in this country, and by this act of treason against the constituted authorities of this Government, imperiled, if they are to be permitted to pursue this cause, what is to become of our Republic? Why, sir, our whole framework of Government, with the provisions of the Constitution defining and limiting its powers, is worse than a rope of sand. Now, one error has crept into the minds, I have no doubt, of very many of the true patriots of the country. I do not wish to be understood to say to my Breckinridge friends upon this floor, that they are guilty of treason. By no means. But I desire them to understand me distinctly, when I say that the leaders of that party have had treason and disunion in contemplation for the last three years, and I intend to prove it, and place it upon the record here, before I resume my seat. [Applause.] I then desire to be distinctly understood to make the charge against the Breckinridge leaders of the South, that while there was really a conservative and patriotic and Union-loving spirit in the South, nevertheless those leaders who have deceived the people into the act of secession, into the act of insubordination and rebellion against the Government, those very leaders were all the while nursing treason in their hearts. Sir, if they were here to-day, with all their record of treasonable purposes against the peace and prosperity of our happy country, and all their country's interests, would not every true patriot frown upon them with just indignation.] I mean the leaders of this Breckinridge and disunion party in the South. I exonerate those gentlemen who have acted with them in that party from identity with their purposes in heart, but unfortunately in a political point of view, those parties are identified with them. I do not impugn the integrity of their motives, but I ask their attention to the treasonable purposes of their leaders who are now wielding a large influence, and a power which has to a certain extent disconcerted the action of this body, has disconcerted the harmonious action and the peace of thirty-three States of this Union, has raised a storm of disunion and treason from ocean to ocean and has now found its way, I regret to say, under the stars and stripes that are floating upon the bosom of every ocean in the world. For the declaration has gone forth that treason and disunion and rebellion have taken place in the great American Republic, and it will be a delight to the hearts of tyrants all over the globe, to think that this great experiment of free government, with all its powerful influences of example and encouragement, is about to be stricken down forever. [Applause.]

But, Mr. Speaker, the question is, under the Constitution of the United States, has a State the power to secede from the Union. Now I desire to call the attention of the House to a plain, simple fact, and upon this fact I am at a loss to know how my Breckinridge friends have missed the plain appearance of that great principle upon the pages of the Constitution. The question arises, is the Constitution of the United States a compact or treaty entered into by the States of this Union? I see in that instrument a Coustitution defining the powers and duties of a government emanating from the people, a government independent in its sphere of action, and, in the functions of the several States, pre-eminently above them in its sphere of action and the governmental power by which it is designed to act. There is the point, and, Mr. Speaker, if we have it determined fully and fairly by authority of the Constitution of the United States, that secession is disunion, that it is treason, that it is revolution, and that it is unwarranted, not only by the plain provisions of the Constitution of the United States itself, but by the opinions of the great authoritative expounder of the

Constitution and laws. The Supreme Court of the Republic created by that Constitution, we certainly, if we do not convince our Breckinridge friends that they are in error, shall at least place them in a position in which they must deny the constitutional authority and the ruling of the highest judicial tribunal in the country. Now I shall pass in review briefly the preamble to the Constitution of the United States, and here let me remark that in the drafting of this Constitution, by that Convention, consisting of men elected for that special purpose, the deliberations of that Convention were presided over by the illustrious Washington, the great apostle of American liberty. The result of the labors of that Convention I hold in my hand, and claim that it is ample, in its powers and provisions, to defend the great and glorious interests, and unprecedented prosperity, and onward march, of this empire Republic, that is now lightiug up the world with its influeuces, and with its examplary power, reaching into the darkest recesses of despotic power, and lighting up the flame of hope iu the hearts of those who are bound down under the chains of despotism, all over the face of God's earth. [Applause.] Sir, I find in the preamble to the Constitution of the United States, the substance of the purposes of the framers of the Constitution, clearly and emphatically set forth. They say here, "We the people of the United States"—mark the language

"We, the people of the United States, in order to form a more perfect Union, established justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

In the very outset, in this preamble, I find this important sentiment declared, "in order to establish a more perfect Union." I find, sir, that the very reason why this "more perfect Union" was desired, was that previous to the adoption of this Constitution, we had tried a government—what we then termed a General Government—under the old articles of Coufederation. That attempt at a General Government, to preside over the destinies of these States, and to do all acts which the government of a nation should do, was found to be insufficient. The powers conferred upon it by the articles of confederatiou were not adequate, and heuce the necessity of assembling in convention to "form a more perfect Union." I ask your attentiou again to the acknowledge authority and obvious meaning of what I have just read. The meaning and intention of that Convention, in introducing the preamble to the Constitution, I find explained here, sir, by that able commeutator on the Constitution of the United States, Judge Story, who gives the following as his opinion upon that preamble:

"We have already had occasion, in considering the nature of the Constitution, to dwell upon the terms in which the preamble is conceived, and the proper conclusion deducible from it. It is an act of the people, and not of the States in their political capacities. It is an ordinance or establishment of Government, and not a compact, though originating in consent; and it binds as a fundamental law, promulgated by the sovereign authority, and not as a compact or treaty entered into and *inter se*, between each and all the citizens of the United States, and distinct parties. The language is 'We the people of the United States,' not we the States, 'do ordain and establish,' not do contract and enter into a treaty with each other; 'this Constitution for the United States of America,' not this treaty between the several States."

I find this learned commentator in defining the principles, and carrying out what he believes to be the legitimate meaning of the preamble to the Constitution, entirely destroyes, by his sound reasoning, the very possibility of its being a compact between the States, subject to their dissolution at their will and in their pleasure. But, sir, this commentator goes further:

"And it is, therefore, an unwarrantable assumption, not to call it a most extravagant stretch of interpretation, wholly at variance with the language, to substitute other words and other senses for the words and senses incorporated, in this solemn manner, into the substance of the instrument itself. We have the strongest assurances that this preamble was not adopted as a mere formulary, but as a solemn promulgation of a fundamental fact, vital to the character and operations of the Government. The obvious object was to substitute a Government of the people for a confederacy of States; a Constitution for a compact. The difficulties arising from this source were not slight; for a notice commonly enough, however, incorrectly, prevailed, that as it was ratified by the States only, the States respectively, at their pleasure, might repeal it; and this of itself proved the necessity of laying the foundations of a national Government, deeper than in the mere sanction of delegated power. The Convention determined that the fabric of American empire ought to rest, and should rest, on the solid basis of the consent of the American people. The streams of national power ought to flow and should flow immediately from the highest original fountain of all legitimate authority. And accordingly, the advocates of the Constitution so treated it in their reasoning in favor of its adoption."

Here, Mr. Speaker, we find that the commentator, with reference to the introductory clause of the Constitution, takes the position that it was a Constitution in place of a compact, which had previously existed between the States. When the articles of confederation were signed and adopted for the time being, by the States of this Republic, and a government was tried under that compact, it was found to be deficient; and in the very outset in this Constitution, its framers provided, in the very first sentence that they wrote upon the pages of that important instrument, that it was to form a stronger government—"a more perfect Union." And the commentator takes up the subject, carries it forward, and shows us that that was the spirit and intention of the language. And now, sir, let us hear a word further, for I desire to say to my Breckinridge friends in this Assembly, that they have adopted the exploded doctrines that the Federalists adhered to and pressed upon the country for three years before the States concurred in the Constitution. Here is one of the objections of the old Federal party, headed by Alexander Hamilton and his clique, and now revived here in this year, 1861. They opposed the adoptiou of the Constitution and its establishment then, and now, sirs, you and your leaders are upon the same grounds opposing the existence of that instrument, after it has prevailed far into the first century, and carried us forward in a career of prosperity that is peculiar to our country. What did the Federalists say, and how does it appear that their views were identical with the positions of my Breckinridge friends? Or rather I should say, with the positions of the leaders of that party, for I hope some day to see my friends here as clear of this secession doctrine, and this idea of a compact between the States, as iu my heart I am now clear of it. I hope they may not have to put on sack-cloth and ashes to repeut of their errors, but if they do not do something soon, neither sack-cloth and ashes nor anything else on earth will save them. If you insist that the States of this Union, or any of them, have the right to dismember this Republic by seceding from this Union, I tell you that the time is coming when that doctrine will be so repudiated

that you will hide your heads for shame, if ever you are charged with having been once identified with it. Why, sirs, the very brutes of the field will turn away their nostrils from those who are shown to be traitors against the glory and peace of this Republic. Must we stand silently by and see the foundations of the Republic sapped and undermined by demagogues, by treason, by traitors, who, as a poet has said, have nursed their treason and wrath to keep them warm, until an auspicious moment should arrive when they could inaugurate anew this unholy "compact," and so crush the temple of our liberty, when perchance the people on the watch-tower were sleeping, unconscious of their danger? Let us see what the *Federalist*, the organ of the old Federal party, said:

"But this assent and ratification is to be given by the people, not as individuals composing a whole nation, but as composing the distinct and independent States to which they belong."

And, says Judge Story, "The uniform doctrine of the highest judiciary authority, has accordingly been that it was the act of the people, and not of the States." But the *Federalist* urges that it was not the act of the States, but it was the act of the people, and it urges that as one of the arguments against it, when that Constitution was handed from the Convention to Congress, and Congress called upon the people for its ratification and adoption. Here comes the *Federalist* into the field, and what position does it take? It condemns the very arguments that are put forth to-day in defense of the rights and liberties of our country, that the Constitution was an emenation from the people, and upon that very ground, the *Federalist* opposed it, because it was about to give the power which the States claimed and desired to the General Government, and because as it said there was danger of a consolidated government. This was one of the great arguments, and it was strongly urged by the *Federalist*, with all the talent and ability which that party were able to command at that day. But I should be traveling far beyond my time if I were to follow the argument upon that point.

I now desire to examine the Constitutional grounds claimed for this doctrine of the right of State secession; for I intend that my Breckinridge friends shall understand distinctly the difference between them and me upon that subject. I desire to go far enough to show those who are advocating secession, the ground they stand upon; and either they shall go to the wall in this whole discussion, or I shall go to the wall in the defense of my principles. [Applause.] I do not want any misunderstanding between us. I desire that it shall be distinctly understood that I take the position that your whole conduct in reference to this whim of secession, and denying the General Government the power to apply the remedy for secession, is in direct conflict with the Constitution of the United States. Gentlemen you occupy a position of hostility to him who administers the affairs of this Government at this time, to the President who stands fully identified with your party. He stands a prime mover in the unhappy occurrences that have taken place, under a vacillating administration. And here, it may be as well to say, that while I was in Northern Ohio, in the year 1856, I labored for six weeks in the canvass to defend what were then understood to be the principles of James Buchanan, and the great principle of non-intervention; the great fundamental principle which lies at the bottom of this Government—the principle that the Government rests upon the sovereign will of an intelligent people. That principle was acknowledged as applying to the Government of States and I believed that Government could as safely rest upon that same basis in the Territories, as in the States. But, having done that, conscious of having discharged my duty, at that time, I now find that the Chief Executive has departed from that principle, and that departure, aided, perhaps by other causes, has brought this present unhappy state of affairs upon the country. But here we find these men who are standing identified with the present Administration, which I think is foreign to the principles of Democracy—as wide apart from them as the poles of the earth are separated—uniting in the desertion of the great principles of that party; the principles upon which he was elected as their great leader, the nominee of the party in 1856. Here stand those gentlemen upon this floor, advocating the principles of secession, while they have the President, the Chief Executive of the country upon their side; while they have all the advantage on their side, and are fostering, and bolstering up and defending the Administration in everything it has done, I have not heard a single dissenting voice, of a Breckinridge man upon this floor, declaring that James Buchanan has erred in a single act; and yet with their administration, with their own Chief Executive, with their own policy inaugurated, with the Chief Executive and all the patronage in their hands, the leaders of the Breckinridge party desire to dismember the Republic. They have taken the household of their faith, and placed it in the control of their own party, and yet they say we are dissatisfied with this state of things, with this Government in its present form; it has failed, and fallen short of the wants and wishes of the people all sections. And while they are administering the Government, they ask liberty to dismember the Republic, and scatter it to the four winds of Heaven, and away from the memory of man. Breckinridge men, your position is an unenviable one, to say nothing about the "hydra-headed cactus" affair on the Pacific Coast. [Applause.]

I find that the powers and duties of the General Government, and the various functions and departments of that Government, are most distinctly defined in the Constitution. I find with reference to the military powers of the Government, that by the eighth section of that instrument, certain privileges and powers are conferred upon Congress, a part of which I read:

"To provide and maintain a navy.

"To make rules for the government and regulation of the land and naval forces.

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States."

Not a word is said here that any of these powers are granted to the several States; but the malitia, the great military power of this Government, is vested with the people, as is the admiuistration of the General Government from time to time. The whole is left with the people, and this Constitution in defining the powers and duties of Congress says: Congress is to maintain the navy, and is also to

rovide for the arming, and disciplining, and calling
rth of the militia of the United States, and for
hat purpose? Why, sir, to suppress insurrection
nd repel invasion, not excepting this petty insur-
ction in South Carolina. [Applause.] And yet,
rs, we are told that the Government possesses no
o powers upon this subject! But here is the
pecification of the right and duty of Congress
o prepare—to appropriate money and to pass
aws for the arming and disciplining of these mili-
a forces of the United States. Let us see whether
ongress possesses this power after it has prepared
. I find in the Constitution of the United States,
eliberately drawn, that when Congress has dis-
harged that duty, which the Constitution imposes,
n order to confer an efficient and active power
pon the Chief Magistrate, the Chief Executive of
he country, Congress having armed, and disci-
ined, and prepared the navy and the militia, all
he forces by land and sea—they are to do what?
he Constitution hands them over, and puts them
nto the hands of the Chief Executive.

"The President shall be Commander-in-chief of the army
nd navy of the United States, and of the militia of the seve-
al States, when called into the actual service of the United
tates."

What, then, becomes of the unconstitutional doc-
rine of the right of the States to secede? I ask
my Breckinridge friends to ponder well upon it. If
ou expect to get the military power in South Ca-
olina to consummate the work of secession, and
isunion, and treason, how are you to do it without
iolating this second section of the second article
f the Constitution of your country, which at that
ar, not long since, you swore before high heaven
o support? How will you get one militia-man or
olunteer for South Carolina without first vio-
ating that solemn oath? The Constitution of my
ountry says, that when Congress has provided,
repared, and furnished the militia, they are to be
anded over to the President whenever he may ne d
hem, and he is to be Commander-in-chief of the
rmies of the United States, when called into the
ervice of United States, not only in any State, not
nly in the District of Columbia, in which the Cap-
tol is situated, but in the whole Union. Mr. Speaker,
t is a theory which my heart sickens upon. My
eart sinks at the thought when I have occasion to
peak to my fellow citizens, even in a remote
mountain sierra, that I should find differences of
pinion as to the permanency of this Union, and as
to the Constitutional power of the General Govern-
ment in this crisis; much more in the councils of
the State, where we have reason to believe that the
talent of the body has been gleaned from the entire
intellectual resources of the State. But, as I re-
marked, after Congress has prepared and called out
the military forces of this Republic, then the Consti-
tution provides that the President shall be the
Commander-in-Chief of the same; that is, when
they are called into the actual service of the United
States. Does this not, I ask, include all the forces
called into action in the case of an emergency, in
a case requiring the entire forces of all the States?
Then, sir, if the rebellion or insurrection, or what-
ever you may please to term it, in South Carolina,
called for the militia of the United States, and all
the forces of the Government, both land and naval,
was it not the duty of the President, under this
Constitution, to call upon the militia forces of that
State? Was it not his Constitutional right and
privilege to do that? Most certainly it was; and I
say, in failing to take that course, he comes under
the judgment and pen of the historian. I have
no desire, to-day, to pronounce censure upon him,
but I desire to point out the magnitude of his
crime, the magnitude of that omission of duty,
that has brought upon the country the present un-
happy state of affairs. If that were all we had to
offer, contained in the Constitution of the country,
in regard to that subject, we might say that we had
shown quite sufficient; but let us ascertain from it
what are the powers of the Government:

"This Constitution, and the laws of the United States which
shall be made in pursuance thereof; and all treaties made, or
which shall be made, under the authority of the United States,
shall be the supreme law of the land; and the judges in every
State shall be bound thereby, anything in the Constitution or
laws of any State to contrary notwithstanding."

Now, my Breckinridge friends, how do you like
that provision, written and adopted by the illus-
trious sages who framed the Constitution of this
Republic? They placed in that instrument, de-
fining the rights, powers, and limitations of the
several branches of the Government, the declara-
tion that the laws of Congress passed, in pursuance
of that Constitution, and all treaties should be in
full force, and the judges of the several States
should be bound by them, anything in the Con-
stitutions and laws of the States to the contrary,
notwithstanding. Here, sir, is an unlimited quali-
fication, so far as the powers delegated to the Gen-
eral Government are concerned; so far as that
sphere of the Government, which makes the power
of the Government, is concerned. Whenever those
powers flow in contrary directions, in the State
Governments, then any State Government is sub-
servant to that delegated power, in the hands of the
General Government.

Now, I not only claim for the Constitution, all
the powers of a military character which I have
described, but I claim further, in relation to the
question of disunion, that the Constitution of the
United States can in no way, if it is faithfully ad-
ministered by the Chief Executive of this Govern-
ment—if he discharges his duty fully—can in no
way silently permit that unhappy state of things
which has recently taken place. I hold that no
State can secede from this Union, without violat-
ing the Constitution. Now let us see. Here is an-
other provision, as a final bar to the pretensions of
a State to do what South Carolina has done. In
the tenth section of the first article of the Constitu-
tion, I find this noble and glorious guard, provided
on purpose to prevent the errors into which my
friends of the Breckinridge party have fallen,
after they have taken their oaths. I call it
an error of the head; I have the charity to say
I don't believe it is an error of the heart. Sec-
tion ten says: "No State shall enter into any
treaty, alliance, or confederation; grant letters of
marque and reprisal, coin money," and so forth.
No State shall enter into any treaty of alliance.
How then can South Carolina pursue the course
she has been taking, and be supported by her
friends on this floor, and to a certain extent by the
Breckinridge party throughout the country, with-
out those parties violating the Constitution? How
are we to find the authority, and where, for a State
to enter into alliance, to make treaty, even to coin
money? These powers are completely transferred

to the Federal Government. Upon this subject I might notice the opinions of the distinguished statesmen of our country, and spread them upon paper for hours. But I do not desire to do so. Those opinions are matters of history—a part of the history of our country; and their repitition would only be an unnecessary consumption of time. What is now our duty? Those who established this system of government, introduced a new, great principle, of which during its onward march and progress not yet for a century, the question is now raised whether this principle—this Government—has not within itself the elements of decay. If such elements of decay exist in this Republic, where are they? They must be found in the unfathful hearts of the American people. Shall we then conclude that the descendants of those who lie sleeping in their revolutionary graves, will be so unworthy of the priceless gem of liberty that was established and bought by all the blood and treasure, and sacrifice of life in that revolutionary struggle, that before the expiration of the first century we will allow the walls of the temple of liberty to be dilapidated by time? Shall we allow the intriguer, the demagogue, those who hate the existence of this government, to undermine and sap its foundations, and cause it to fall? If this is permitted on our part, what must be the result? What will be the consequence? If we permit the destruction of this great Republic, that cost so much labor, so much blood, so much treasure, so much care; which has enlisted the admiration of the world, and has imparted to us blessings such as have never been enjoyed by any other nation on the face of the globe, what must be the consequence? We are the only great and powerful opposition on the face of this globe to the controlling prevalence of monarchy; and if this Government is now to be dismembered, to fall, to sink from its eminence,—its high and noble purposes, what will be the consequence? Why, the consummation of the declaration prophetically made by some of the crowned heads of Europe, when this infant Republic began to be known among the nations of the earth. The destruction of this government will carry us back, perhaps it will carry back the great principle of liberty, for two hundred years. If we permit this Union to sink, what is our position? We not only sacrifice the great principle which is intrusted to us for the time being, and which it is our duty to transmit unimpaired to our posterity, but we seriously affect the rights of those who will come after us, and who are entitled to the happiness that would result from the government being protected in all its powers, and preserved in all its magnificence and splendour. The great principle of liberty, I say, will be carried back two hundred years—that broad, grand principle upon which our fathers established this Republic. Those who come after us and seek to re-enact the great drama which our fathers passed through, may wait for ages before they can consummate their purpose. They must travel over desolated fields, and rivers of blood will flow before the great privileges which we enjoy as a free people, as the Empire Republic, can be restored. We now have the greatest internal wealth, for the time that our government has existed, that has ever been possessed by any nation for six thousand years. If we should lose all that, and make the heart of the American people to sink; and the hearts and hopes of the patriots and friends of liberty all over the world will also sink, if our government is destroyed. What is our relative position to the governments of the world? Sir, our Republic is the great light of liberty that beams upon the earth, and brightens the hope of those who are downtrodden under despotic sway. It is now high in the political heavens. And will we, as unworthy and degenerate sons of sires who reared this edifice—will we blot out this light? Will we veil it, and bring a shadow and darkness over those who are seeking to follow our example? Where, then, would the American heart turn? Where should we seek repose? Where could we find protection? Can we not look back to the distractions of republics and peoples in past ages who sought their freedom? Do we not remember, with bleeding hearts, the condition of dismembered Poland? Can we not see, in more recent times, the crushed hopes of the Hungarians—who, seeking for liberty but not enjoying it as we do, have been defeated for the time?

A word further, Mr. Speaker, on this point. What would be the consequences to the Republic if we permitted seccession to take place and become general? What consequences must follow if secession is allowed to go on unrestrained, in the Southern States? If they should secede, five, six, ten, or fifteen of those States (an event which I hold cannot take place under any emergency,) what then would be our position? Then California should stand as one man, opposed to the secession of those States. Let those States on the Atlantic Ocean secede, and what follows to us? We are cut off from commerce on the sea. And if they control the mouth of the Mississippi, we are cut off from the internal commerce of the country. What follows next? Why the seceding States form alliances with foreign governments to wage a war against us, against their own brethren. They seize our commerce, they capture our mail ships, and wage a war that would result in the utter destruction of the Republic, and the extermination of its people.

The great question now arises, what has produced all these unhappy occurrences? As I said at the outset, the American people in mass are the sovereign power of the Republic; and whatever errors have taken place have been at our hands. "We, the people" of this country, as a mass, are the authors of whatever trouble and evils have befallen our country; and we must prescribe the remedy. The remedy is with us. Let me say further to my Breckinridge friends, that I hold there has been a deliberate purpose for a long series of years to produce this very state of things. I find that from the very first dawning efforts to establish this Republic, on the very fields on which the battles of liberty were fought, were those who opposed those efforts, who were against that struggle, and who resisted it through their admiration of other systems of government. In the war of 1812, in the history of our country, you will read of men who opposed that war and the assertion and establishment of our rights. We find the same also again, at a latter period, in 1846-7. There have been those in all periods of our history, who have been opposed to the existence of this Government as a unit, as a whole. I find that almost half a century ago there was a certain class of men in this country, who, when the country was laboring for a second defence

of liberty, assembled in Convention at Hartford, and there in secret conclave plotted the very scheme which is sought to be consummated in 1861. In 1812, at Hartford, the disunionists plotted disunion, while their patriotic brethren were defending the stars and stripes against the second attack of Great Britain. That same class of disunionists is struggling to-day for the dismemberment of this Republic; and when no foreign war affords a pretext, they provide for an internal commotion and civil war, that they may accomplish their object.

I find one of your distinguished leaders, my Breckinridge friends, guilty of plotting treason, and acknowledging it publicly, two years ago. You may deny now, that he is one of your leaders; but time will fasten him as a leader upon you. I allude to William L. Yancey. Now let me read from one of his letters some advice given by him, which has been followed in the South by the leaders of secession; and to-day he is one of the direct managers of the affairs of the seceding States, and is assisting to carry out their secession. On the 15th of June, 1858, in a letter to a friend, Mr. Yancey wrote:

"The remedy of the South is not in such a process. It is in a diligent organization of her true men for the prompt resistance to the next aggression. It must come in the nature of things. No national party can save us; no sectional party can ever do it. But if we could do as our fathers did—organize 'committees of safety' all over the cotton States (and it is only in them that we can hope for any effective movement)—we shall fire the Southern heart, instruct the Southern mind, give courage to each other, and at the proper moment, by one organized, concerted action, we can precipitate the cotton States into a revolution."

We find here one of the distinguished leaders of this disunion party in the South, deliberately writing this letter. It is true he afterwards apologized for it, and said it was written in private confidence and not designed for the public eye. But Mr. Slaughter, to whom the letter was addressed, was too much of a patriot to keep it concealed. When the knowledge of the treason reached the American Senate it astounded that body, and ran with telegraphic celerity all over the Union. And here is a political party in existence to-day, having a certain degree of prominence and some representation on this floor, which is following the leadership of that man whose disunion sentiments were promulgated in 1858. It is not the unexpected result of the division of a National Convention. It has not sprung up in a moment; but it is deliberate treason, deliberate disunion, followed up by a systematic concert of action. As a further and complete consummation of that work, hear the concluding sentences of Mr. Yancey's letter:

"The idea has been shadowed forth in the South by Mr. Ruffin; has been taken up and recommended by the *Advertiser*, under the name of 'League of United Southerners,' who, keeping up their old party relations on all other questions, will hold the Southern issue paramount, and will influence parties, legislatures and statesmen."

Sir, there are men here in this chamber who seek to carry out the treasonable advice of that letter, by keeping up party relations and calling themselves Democrats. Great God! What democracy! Save me from such democracy, and my country too! [Applause.]

To consummate the purposes set forth by William L. Yancey's treasonable heart and pen in 1858, they go forward to a National Convention, and there divide the Democratic party—the fact having been previously arranged and determined upon—that great party which has carried this country on for so many years in its career of progress to its present unparalleled prosperity. They divide that party, and why? Yancey and every disunionist in the South knew, as well as they knew that the sun shone in the heavens, that no disunion could take place while that great, patriotic, democratic, national party remained a united party, with power to defeat every factious organization in the country. Hence the importance of dividing that Democratic party—and the purpose was consummated. Then followed in quick succession all the concomitant evils which were planned in order to carry out that wicked and unholy purpose. The following winter, after those treasonable designs had been concocted, they contemplated the dismemberment of the Democratic party. Their next declaration was—knowing if they dismembered that party that the Republican party would secure the election of their nominee for the Presidency in 1860—that they would regard such an event as a sufficient reason for secession. From the exceptions they took—and to a certain extent justly—to the doctrines of that party in the North, they declared that they would have a justifiable excuse to go before their constituents and preach the necessity of disunion or rebellion. Hence, here is the plan, here is the plot, here is the arrangement all in systematic array. Now what followed, after the promulgation of William L. Yancey's treasonable letter? The announcement was made in Congress that in the event of the Black Republican party electing a President in 1860, they would consider it just cause for withdrawing from the Union. One of the members of the lower house of Congress, from Georgia, made that declaration; and Wigfall, of Texas, to a certain extent, made the same declaration clothed in different language. They then contemplated dividing that party which has guarded, protected and directed this country to the satisfaction and acceptance of the American people. The plan was to disorganize that party, and then raise the standard of objection to what they termed a sectional party, and which has proved to a certain extent to be a sectional party. But how, and with what propriety can they charge sectionalism on the North? May not the Northern party charge sectionalism on them also? This treason having been consummated, we find that South Carolina has left the Union on paper. She has slid out quite easily. She has only followed up, re-enacted the scene which occurred in a past period of our national history. She once nullified the laws of our Government merely because the tariff did not suit, because the Act of Congress on the subject of the revenue offended this same South Carolina which seems now to be the leader of the disunion sentiment in the South. They then sought to nullify the Act of Congress. Oh? how deeply we regret, how every man must regret, that we have not now the sage statesman who presided over the destinies of the nation at that time! If we had him in the Government one week now, nullification and disunion would be nipped in the bud. Secession would never have been heard of thirty days after its commencement. But, sir, we have not the fearless Jackson at the head of our affairs. What a humiliating spectacle does our Government present! Look for instance at the recent enunciation of the course of the President, in his message to the Senate, respecting the placing of the war department in the hands of the Postmaster General, Mr. Holt! A part

of the Cabinet has withdrawn for treasonable purposes. Member after member of the Cabinet of the President has withdrawn, to return South and consummate these treasonable purposes. And the crowning act of neglect of duty by the chief Executive, which must be written by the future historian of this country with all the power of the indignation of the American people, is this: that when he was about to appoint General Scott, Secretary of War, it made a great stir among the seceders. What was done then? Why, the War Department was placed in the hands of Postmaster General Holt. *There* is something unprecedented in the history of our Republic—showing a complicity in this disunion sentiment. It is but recently that the United States Senate has denounced that act and declared that it is unprecedented.

Let me pass in review the Declaration of Independence, upon which arose this Republic, and contrast it with the declaration of South Carolina. I desire to read such extracts from each as will draw a comparative view between them. In the Declaration of Independence, among many charges made against King George the Third, I find the following: "He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers." In another clause: "He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people." And yet again: "He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions." Now has South Carolina any such complaints to urge to-day against the General Government? Can South Carolina say that the General Government has refused assent to any laws? Why, that State, as a sovereign State—for she is sovereign—has power to pass laws, and to administer her own domestic and municipal rights. If on that subject she has any complaint it is against the Government of South Carolina, and not against the Federal Government. Have we sought to produce or establish insurrections? Nothing of the kind on the part of the General Government is complained of in the South Carolina Declaration of Independence. Have we sought to send upon them the merciless savage, to destroy their lives and property? Nothing of the kind is complained of. Then what does the State of South Carolina complain of? Without stopping to make a declaration against the General Government, she filed a declaration against fifteen Northern States; as to the justice of that complaint. I shall have something to say presently. South Carolina has not made a charge against this Government as we did against Great Britain; but she has made a charge against certain sister States, and proposed as the remedy for her grievances, to secede from the Union. She did not seek to injure the Governments of the States of which she complained, but to destroy for the time being the very existence and power of the General Government and the Constitution. I find South Carolina taking the following position in her declaration: "The State of South Carolina having determined to resume a separate and equal rank among nations, deems it due to herself and the remaining United States of America, and the nations of the world, that she should declare the causes that led to the act." Then follows a general complaint, not that the General Government has failed to pass the necessary laws for the general protection of all, or to do strict justice to South Carolina; but simply because certain Northern States have passed certain Personal Liberty Bills, which, to say the least of them, constitute the most unwise and unjust legislation, perhaps, that was ever had, except the very act of secession—the act of that Convention which drew up the articles of secession for South Carolina. They are the most unjustifiable laws that have ever been enacted in our country, laws calculated to produce disturbances and break up the harmony and peace and confidence which should exist between the States. I find her complaining further. This committee which drafted the plan of her secession and revolution, says: "The right of a State to govern itself, and the right of the people to abolish a Government when it becomes destructive of the ends for which it was instituted, were expressed when the Colonies separated from the mother country." This furnishes no parallel with the just complaint of the Colonies when separated from the mother country. We have shown from the Declaration of Independence that we had just cause—the deepest cause of complaint. Then what is the position of South Carolina, and of American citizens who defend the justice of the course pursued by her? It is simply this: That the Constitution of the United States is not what our fathers designed it to be; that it is not a government over the States to the full extent of the sphere of power established by the Federal Government; but that it is merely a compact between the States, and can be dissolved at the will of any one, or any member. If that is the character of the Government, have we a Government? I here desire to say, in conclusion of this branch of the subject, to my Breckinridge friends, I believe that the American Government has the full power to coerce—to use your own phrase—South Carolina to-day; and that it is the duty of the American Government, under the authority given to it in the Constitution, to blockade every port in the seceding States, to collect the revenue, as the Attorney General has declared the Government has power to do, on board any vessel, and so to hold the seceding States in subjection and submission, and to defend the honor and integrity of the nation against assault, until peace is established by such means as the sovereign power, which is the mass of the people, may determine.

Mr. SHOWALTER—What does the gentleman propose to do in case the entire South secedes from the Union? Does he propose to blockade all their ports?

Mr. DOUGHERTY—I will say to the gentleman that his interrogatory reminds me of the boy's ghost story. It was, he said, a fellow about the size of a sheep, and it didn't scare him very badly; but if it was as large as an ox it would frightened him very much. I am speaking of the present state of things, and with direct reference to the power of the Government to have nipped that secession in the bud. I say, in answer to his interrogatory, that it is the power and duty of the Government, under the Constitution, at this time to send sufficient force to blockade the ports of South Carolina, or of all the seceding States, to collect the revenue, and to prevent that Palmetto Flag, or rather that Tory rag to go out of the ports, until the Ameri-

can people have established whatever compromise is deemed best.

Mr SHOWALTER—The gentleman has not answered my question. I ask what he proposes to do relative to the forts now in the possession of South Carolina? If he recommends the retaking of all those by the General Government, by force of arms?

Mr. DOUGHERTY—In answer to that (having taken the position that the Constitution gives the Government power to take possession of the property of the United States, built by the national money, and now seized by Torries, disunionists, that the power is in the General Government, by the written Constitution, and backed by the hearts of millions of patriots, to silence the treasonable doings of the secessionists, whatever power their rebellion may assume.) [Applause.]

Mr. SHOWALTER—That is not a direct answer to my question. I asked if he was in favor of retaking the forts by force of arms. I ask his own opinion.

Mr. DOUGHERTY—The gentleman seems to think that my opinion is very important on this occasion, and he shall not be long deprived of it. I hold that the Government of the United States, through the inaction of the Chief Executive—from what cause let the future historian write, has permitted indignities to be offered to it, by allowing revolutionary forces to take possession of the forts, in a revolutionary capacity; and that it is the duty of the Government to blockade the ports of South Carolina, and to take possession of the Forts which have been seized by the disunion party, at the earliest moment. Does he put this question to me to know if the Government had better take possession of them now, or defer it? Or does he mean to make any reflection of cowardice upon the American people?

Mr. SHOWALTER—When I take the floor to speak, I will answer any interrogatories he may put to me.

Mr. DOUGHERTY—I hope his memory will serve him, for that is a good dodge to get out of giving a present answer. I say, further, it is not only the duty of the Federal Government to suppress this insurrection, rebellion, and treason, which I have endeavored to show is in direct violation of the Constitution, but that the authorities of the United States—the Executive and Congress—have neglected to discharge that duty, which could, at the ontset, have suppressed the insurrection with little difficulty. As soon as we acknowledge the existence of secession, and South Carolina is permitted to exist as a separate and distinct power, we are exposed to invasion. Then the Government is certainly bound to suppress it, and to repel invasion. Does the gentleman from Mariposa (Mr. Showalter) admire the recent conduct of those Breckinridge supporters in the South?—for the man who applied the match to the cannon and fired on the "Star of the West," I have no doubt, voted for the gentleman's friend, Mr. Breckinridge. The very man who ignited the cannon and sent the missile against the "Star of the West," voted, I believe, for John C. Breckinridge, and is a devoted supporter of the right of secession, as is my friend from Mariposa. It is the duty of the Government to suppress this invasion, insurrection, this revolution, this treasonable work of raising a flag against the stars and stripes. And it is the duty of the people of California, to meet with a solid front, supported by the hearts of patriots, the doctrine of those who have treasonable purposes on this coast, those who seek to establish that hydra-headed cactus flag. I suppose my friend does not stand opposed to the Pacific Republic platform.

Mr. SHOWALTER—If the gentleman makes the charge it may be necessary for me to answer that directly. I will inform him that I am not in favor of a Pacific Republic. I have never even contemplated such a thing. But I do say, that when the great old States of Virginia, Kentucky, Pennsylvania, and Ohio—when the representatives of those great States, no longer meet together in Congress for conciliation and compromise, then, and not till then, am I in favor of a Pacific Republic.

Mr. DOUGHERTY—I am glad to find that the gentleman is with us. Then I understand him to repudiate his friends in Congress, Mr. Burch and Mr. Scott. They have taken that position. How is this to be reconciled, that they have advised this Pacific Republic scheme, and that Mr. Showalter denounces the theory, and says he is not in favor of it? Here is a clashing in the party. I hope he will explain it.

Mr. SHOWALTER—I do not understand, either from the words or the actions of the gentlemen referred to, that they advocate the establishment of a Pacific Republic; nor do I think that the gentleman, if he does justice to them, can draw any such conclusion from any of their letters or speeches in Congress. If he can, I should like to see it proved.

Mr. DOUGHERTY—I allude to a letter written not long since by a distinguished gentleman of the Breckinridge party, in favor of the establishment of a Pacific Republic in California in a certain emergency. On that point I desire to state my position, so far as this Pacific Republic is concerned, and any immediate effect it can have upon the people of California. Its present purpose and effect are to disconcert the powers of the people of this State who are opposed to disunion. We are remote from the scene of action, where this disunion feeling prevails most strongly, where the great mass of our fellow citizens are in more immediate contact, one with the other, and more intimately mixed up in the purposes designed, and, to a certain extent, consummated by the seceders. But not knowing the opinion of California, and to weaken the great opinion against secession, the suggestion of a Pacific Republic was raised, in order to divide the people of California. It is not many days since we heard it stated that there were thousands here who would not respond to a call for raising forces to be used against any State in the Union; and, a gentleman said, if any one desired war, he need not go from this State for it. That is the sentiment. We are told that we must stand here in abeyance; that the sentiment which should be expressed against disunion, must be carefully suppressed here in California; and that if we want to defend the interests of our country, we can have a fight at home. That is the doctrine, and there is no dodging it. The ultimate consequence of a Pacific Republic, must be most fatal in its effects upon the country. What can be worse? We are but a handful of men. The recent census, (which does us great injustice,) representing us as only 300,000, while we presume we are half a million. Where is our Pacific Republic to get its army and navy? Where is our force to come from if we

have to march into the field? From the mines, from the plough, from the mechanics' shops, and the merchants' desk, we might partially provide a hundred thousand troops without leaving a father or son at home. And what would all this avail under a Pacific Republic? We are without a treasury, without an army, without a navy, without any of the elements of national power to defend our extended coast. The scheme of a Republic here, can have no ultimate or present purpose, other than to weaken the efforts of the patriots on the Pacific coast, to send a patriotic appeal, to our brethren on the other side of the continent, to crush secession and treason, and to defend the glorious Union, and let it go on until the bright constellation of stars, shines prosperously, after the storm of disunion and secession. [Applause.]

I do not wish to be understood by my Breckinridge friends on this floor, or in the country, as seeking to criminate or recriminate; nor as expressing these sentiments with the least degree of vindictiveness. Far be it from me to speak in such a spirit of any one, or any party, in mass. They are all my fellow citizens. They must stand with me and I with them, if this Republic remains. We are auxiliary powers—parts of the great sovereign power of the Republic; and if we have erred, if any of us have gone astray, we must come together, and stand together, or the bright beauty of our Republic is gone. I only desire to say to them, in conclusion of this branch of the subject, in reference to their course of policy, and the consequences that have resulted from that policy, that you have departed from the principles that were advocated by your leaders. I will assert further, that in order to consummate the purposes which have been the result of that departure—I say this to the gentleman from Mariposa, with all kindness, and due respect to him and his colleagues, and his party throughout the State—they have abandoned the principles they adhered to heretofore, the time-honored principles of the Democratic party; that the leaders of their party deliberately arranged the plan, and finally abandoned the principles of the Democratic party, in order to bring about the purposes which have resulted in the secession of some States, and the dismemberment of this Republic. I find further, that their special pet, Mr. Lane, in the United States Senate, recently, acknowledged the fact, in so many words, that they have abandoned their principles, and hence has resulted the very difficulty that now hangs over the country. On the 18th of December, 1860, Mr. Lane, the recent nominee of the Breckinridge party—which is unhappily the disunion and secession party, the Palmetto flag party, the cactus party, and whatever other name they may add to their multiplicity of names—I find that Mr. Lane, their recent candidate for the Vice-Presidency, said in the United States Senate, that they did depart from their principles, which brought about this result. He says, as follows:

"Whereas, in 1850, compromise measures were passed, agreeing that the people of the Territories should decide the question of slavery.'

There is a tacit acknowledgment from the distinguished Mr. Lane, whom they nominated as their candidate for the Vice Presidency, that that was the case, that they were placed on the compromise of 1850. I say to the gentleman from Mariposa and his friends, that the result which has followed their departure from those principles, is a most unhappy one, and that they are responsible for bringing the misfortunes on the country. For the principle of the Democratic party was established; on that principle they divided; and on that division have ensued the evils of which we complain.

Mr. CHANDLER—What was the position of Herschel V. Johnson on disunion in 1855, when the Know Nothings swept the country? The gentleman seems to think that the Breckinridge party are all disunionists. I want to bring in the man for whom he voted as Vice-President on this issue.

Mr. DOUGHERTY—I am not prepared to answer the gentleman, because I have not prepared any notes except with regard to the gentlemen of whom I have spoken, and, therefore, I cannot speak as to the position of the distinguished statesman in 1855. If he belonged to the Know Nothing party it was his misfortune.

Mr. CHANDLER—I will state distinctly that his position then was noticed in the papers.

Mr. DOUGHERTY—In order to be brief, and that I may not trespass too much on the attention of the House, I now desire to take leave of my Breckinridge friends for the present. My purpose in these few and imperfect remarks, which I deliver extemporaneously, and without having prepared a speech, is to attract attention to these evils, and to trace them to the sources to which they properly belong and from which they have emanated. I have traced to the leaders of the Breckinridge party the misfortunes which have fallen upon us. With all the good feeling which I entertain for the members of the Breckinridge party, I yet must attribute to them their just proportion in the unhappy state of things which now exists in this country, and point out the part they have played in the drama.

I find that the complaints of the South, and her reason for her departure from the Union—which, to a certain extent has some ground—are based in part upon certain documents advocated, and certain laws passed, and a certain position taken by some Northern States, which have been under the direct control of the Republican party for a considerable length of time. It is incumbent on me now, from a conscientious sense of duty, to attribute to the Republican party that share in the unhappy state of affairs, in the evils which now threaten our common country, which I think properly belongs to them, for I believe they have deliberately done what has led in part to these evils. In order to do this I shall refer to the declarations and the doctrines advocated by the leaders of that party. As I said in the outset, the sovereign power is vested in the mass of the people; and out of that mass have been organized from time to time, political parties which have concentrated their strength, and elected the functionaries and officers of this Republic. In that way do we find a certain party, called a Republican party, rising prominently in the North, and taking advantage of certain rights which the Constitution guarantees to the South, to make a local and sectional issue, and press that issue to such an extent as to bring about in part the present vexed state of feeling in the South. I would be glad to be free from the necessity of making a charge against any party, of being guilty of circulating incendiary documents, calculated to produce an unhappy state of feeling, and which has caused the feeling on which is based the action of seceding

States. I would be most happy not to find such a record of the Republicans. But I find that the leaders of the Republican party in the North, have, for a series of years promulgated doctrines which are in direct contravention of the provision of the Constitution of the United States, relating to the rights of the South. I desire to pass in review a few of the sentiments uttered by the leading Republicans of the North, during their progress from a small and insignificant party to power sufficient to elect the Executive in 1860. to preside over the destinies of this Republic. I find the distinguished leader, the very substance, I had almost said the very soul and body of the Republican party, during the days of its struggle from infancy to power, I find that distinguished person—distinguished not for his multiplicity of good acts, but for his extraordinary efforts and talents in building up a sectional party in the North—I allude to William H. Seward—I find him uttering the following sentiment, as early as 1848, against a certain species of property and rights in the South, guaranteed by the Constitution of the United States. I find that at Cleveland, in the State of Ohio, he uttered the following sentiment:

"Extend a cordial welcome to the fugitive who lays his weary limbs at your door, and defend him as you would your paternal gods. Correct your own error that slavery has any constitutional guarantee which may not be released, and ought not to be relinquished. You will soon bring the parties of the country into an effective aggression upon slavery."

I find that the leader of that party as early as 1848, commenced to build up a doctrine and sentiment in direct contravention to a provision of the Constitution, which provided that those rights should be held sacred to a certain number of States in the South, which existed when the Republic was formed. A majority of those very States existed when the Constitution was framed; and they agreed to certain compromises which were engrafted into the Constitution, for the protection of the rights of the South in regard to a certain kind of property which they thought proper to have at the time of the adoption of this instrument—their rights claiming as much protection as the interests of the North, I find similar sentiments uttered by the same distinguished man at a later period. I pass over many declarations made by the leaders of the Republican party for the purpose of building up that party, declarations prejudicial to the interests and peace, and safety of the country; prejudicial to the Constitutional guarantees, designed to protect the Southern States in the enjoyment of those rights which I assert any State of this Union has the power to claim in her Constitution, basing her action on the intelligence of the people and their right to adopt that Constitution, as the supreme law of the State. They have an unquestionable right, so long as their action is based upon and governed by the intelligence of the people, to establish slavery in a State, by the deliberate and unbiassed action and choice of a majority of the people, as they have the right to protect the sovereignty of a State, and to secure its liberty. The right is sacred to affirm and to negative; and it cannot be questioned unless we subvert the present system of government.

Mr. BLAIR—I would like to ask the gentleman wherein the Republican party has denied the right of a State to organise itself in its own way. I understand him to say that the Republican party have denied the right of States to establish slavery, and I wish to have the authority for that statement—to know when the Republican party affirmed such doctrine as that.

Mr. DOUGHERTY—The gentleman misunderstands me. I did not make the assertion that the Republican party have denied that right. But I will point out a proposition, and continue to point until he will think I have pointed enough—to instances in which they have violated that right, before I get through. I was about to say when interrupted, that I find this same distinguished leader. Mr. Seward, in 1855, at Albany, declaring what I regard as sectional doctrine, a sentiment, which if carried out, was destined in itself to revolutionize this country, and lead to acts in violation of the law, and acts of insubordination to the Constitution of the United States. Now what is this doctrine?

Mr. BLAIR—I would further ask the gentleman if he did not in 1856, vote with all those men, whom he is now charging with sectionalism, and with acting against the country—the men of the South? Did he not vote for Mr. Buchanan?

Mr. DOUGHERTY—Yes, I voted for Mr. Buchanan, because he stood on the non-intervention principle. But I have since abandoned him; and I ask my friend from Monterey, if he will not allow a man to abandon evil as soon as he sees it? I hope that as soon as I convince him that he has got into the wrong pew with the Republican party, that he will do the same. I was about to read the sentiments of Mr. Seward in 1855. He says: "Slavery is not, and never can be perpetual. It will be overthrown either peacefully and lawfully under this Constitution, or it will work the subversion of the Constitution together with its own overthrow. Then the slaveholder would perish in the struggle." That was deliberately avowed by the distinguished leader of the party who is expected to be Secretary of State, in the administration of Abraham Lincoln, in the great State of New York, in 1855, that slavery never could be perpetuated, and that it would be ultimately overthrown and the Constitution with it. Now what is the tendency of that doctrine, that in the struggle, and in the overthrow, the slaveholder will perish? Will gentlemen say that there is nothing in that doctrine of the Republican party of the North, calculated to embitter and injure the South? So long as the Government rests upon the will of a majority of the people, if you poison the public mind, you poison the purity of of the administration; you dry up the springs of justice, and you remove all disposition to administer right to your fellow men. Hence the danger of preaching these political heresies, which are destined to ruin the peace and prosperity of this Government.

I find another distinguished member of this party making the following declarations, which is in a speech of Senator Wilson's, who, you recollect is one of the distinguished leaders of the party in the United States Senate. He says: "We shall change the Supreme Court of the United States, and place men in that Court who believe with its pure and immaculate Chief Justice, John Jay, that our prayers will be impious to Heaven while we sustain and support human slavery, * * *," without reading the whole. These charges, these declarations in the North, whether true or false, whether correct or incorrect, have founded a suspicion, a feeling in the

South upon which, to a certain extent, they have based their action in seceding from this Republic. I will give some more of the sentiments of the same distinguished leader. At the Philadelphia Convention, Senator Wilson, who is in the National Senate Chamber to-day, from Massachusetts, and is a leading Republican of that State, said:

"I am in favor of relieving the Federal Government from all connection with the responsibility for the existence of slavery. To effect this, I am in favor of the abolition of slavery in the District of Columbia, and the prohibition of slavery in all the Territories. I tell you here to-night, that the agitation of this question of slavery will continue while the foot of a slave presses the soil of the American Republic."

There is another sentiment coming from a leader of the party at the North, and I say to my Republican friends, in all friendship and candor, that they have in this way contributed largely to the dangerous excitement in the country, by sowing broadcast over the country such sentiments as I have quoted.

Mr. CROCKER—I would like to ask the gentleman one question, is the Douglas party prepared, as a party, to endorse the sentiments of every individual member of that party? He is charging the Republican party with entertaining sentiments that Senator Wilson, and other individuals who claim to belong to that party, avow. I appeal to the gentleman to confine himself to the platform of the party when he is declaring its sentiments—the platform in which we, as a party, have declared our opinions and sentiments.

Mr. DOUGHERTY—I will assure the gentleman, that if the Douglas party had to subscribe to so many political heresies as I show the gentleman the Republican party has subscribed to, I should despair of ever being a Douglas man under the sun. [Applause.] I will show the gentleman how many political heresies he has to indorse in order to be a Republican. I do it only because I deem it my duty to my country, to point out and show the magnitude of those heresies, I ask the attention of the House now to another—

Mr. BLAIR—I do not wish to interrupt the gentleman, but I would like to ask whether he is reading these extracts from a work of established authority, or whether they are picked up extracts from political, partisan newspapers? I ask the question, in order to know whether it will be necessary to notice them hereafter.

Mr. DOUGHERTY—I do not know how much confidence the gentleman may have in the authorities, but I will say to him, that I am reading from speeches published by his own party. [Laughter.]

Mr. BLAIR—I would ask the gentleman to say what the authorities are, because I may wish to reply. It is usual in giving quotations, to say where they may be found with the context, and it may be necessary to examine the whole subject matter.

Mr. ROSS—With the leave of the gentleman from Sierra, I want to say a word to the House. I think this is a very improper course for gentlemen to pursue, and I do hope that further interrogations of the speaker will not be countenanced or winked at by the House. It certainly is very annoying; it disconcerts a man's mind; it is indecorous, and I think almost amounts to indecency. I hope the gentleman will be permitted to make his speech, and then if gentlemen wish to reply they can do so after he gets through. I hope the gentleman has been interrupted for the last time.

Mr. DOUGHERTY—I thank the gentleman for his courtesy, but it is not an annoyance to me, and it will not unnerve me for a single moment to be interrupted. The only question with me is as to the indulgence of the House, and I presume my friend from Monterey, (Mr. Blair,) asks his questions from upright motives. I believe that where I have cited the authority of the Republican leaders, I have, in every instance, given the name and date; I have intended to do so.

I now desire to present the views of another Senator, Mr. Wade of Ohio, who is figuring largely now, in the United States Senate. He said in a speech delivered in Maine in 1855:

"There was no freedom at the South for either white or black; and he would strive to protect the free soil of the North from the same blighting curse. There was really no Union now between the North and the South, and he believed no two nations upon the earth, entertain feelings of more bitter rancor towards each other than these two sections of the Republic. The only salvation of the Union, therefore, was to be found in divesting it entirely from all taint of slavery. There was no Union with the South. Let us have a Union," said he, "or let us sweep away this remnant which we call a Union. I go for a Union where all men are equal, or for no Union at all, and I go for right."

This speech of Senator Wade, was delivered in Maine, and here is evidence, that, whether these unqualified and sweeping declarations were made by these distinguished orators and leaders, with deliberation, or whether they were mere slips of the tongue, the people in the North have been taught that it is their right and duty, to give liberty to the slave, and without regard to the rights of the people of the South, and taught those doctrines, too, by the highest authorities in the Republican party, who have urged them, as I shall further show, to wage a war upon the rights of the South. It was to be a fanatical war, a war of policy and politics, and, my Republican friends, I expect you when you have been shown, that you have committed a wrong, to retract that wrong and these errors, on your part, and on the part of your leaders. It is a wrong done, but retract it, and let us have peace and harmony; let us have a Union, and the enforcement of laws for its protection. My friends take exceptions sometimes, to being called "Black Republicans." I do not intend to use the phrase, and never do in conversation, but upon the stand I sometimes in speaking forget myself.

But here is another of the sentiments of these leaders and teachers, which the Hon. Josiah Quincy let loose in a speech at Boston, in 1854:

"The obligation incumbent upon the free States to deliver up fugitive slaves is that burden, and it must be obliterated from that Constitution at every hazard."

This was the sentiment of an ex-Member of Congress, a sentiment in direct opposition to the fugitive slave law, in direct opposition to the spirit of the Constitution, which declared that all laws made in pursuance of that Constitution, shall be the supreme law of the land, anything in the Constitution and laws of the States to the contrary notwithstanding. He asserts that this obligation, this Constitutional provisions for delivering up fugitives from labor, must be got rid of and cut loose from at every hazard. Republican friends, this sentiment is wrong. You err in following your leaders in any such sentiment as this.

But what further? I find the Hon. John P. Hale, now in the United States Senate from New Hampshire, and a distinguished Republican leader, utter-

ing the following sentiment when a delegate to the Republican Fremont Convention, of June 17, 1856. And now mark the spirit of that Convention in this declaration:

"Mr. Hale congratulated the Convention upon the spirit of unanimity with which it had done its work. 'I believe,' said he 'that this is not so much a Convention to change the Administration of the Government, but to say whether there shall be any Government to be administered. You have assembled, not to say whether this Union shall be preserved, but to say whether it shall be a blessing, or a scorn and hissing among the nations'"

Now, Mr. Speaker, when a sentiment of that kind is uttered, in order to poison the public mind, should the man who uttered it be rewarded for it by an election to the high and responsible position of a United States Senator? Should men be thus rewarded for these declarations? Here is a sentiment of disunion, of aggression against the authorities of the country, not in its direct application, perhaps, but by the inculcation of a doctrine to poison the sovereign power of this Republic the minds of the mass of the people. I protest against these doctrines, and I say they have contributed largely, extensively, to bring upon us the unhappy state of things which threatens the prosperity of this Republic at this time. By means of these sentiments, inculcated in the minds of the people of the Northern States, they have been poisoned to the extent of believing that the South has no Constitutional rights on the subject of slavery; and their refusal, in consequence of such belief, to obey the Fugitive Slave Law, has created a freuzied feeling in the South, which has in like manner, resulted in their refusing to submit to the administration of the government by Abraham Liucoln. I wish to declare my position, so that it shall be perfectly understood, both by my Breckinridge friends and my Republican friends. Gentlemen, I am one of those who will bow in submission and allegiance to the Government of Abraham Lincoln, and I expect that every patriot and good citizen will also stand by the Constitutionally elected Presideut of the United States, and see him finally inaugurated to administer this Goverument, under the Constitution, and enforce the laws of Congress. If he does that faithfully, as provided by the Constitution, I will stand by him with as much devotion, as I would stand by any man elected to that high office. We cannot do less, as siucere patriots, tor though by the inculcation of these unhappy sentiments he has reached that high place of power, yet he has done so under the provisions of the Constitution, in all its force, and ueverthelcss, the Constitution must be obeyed, and his administration maintained, unless he commits an overt act in violation of that Constitution. While I am finding fault with my Republican friends for their sectional course, and with my Breckinridge friends for their course of sectionalism, and treason, and disunion, I will say, that if John C. Breckinridge had been elected President, I would have yielded as implicit obedience to his administration of the Government, as I will to that of Abraham Lincoln, or as I would, if Stephen A. Douglas had been elected, who was my own candidate. [Applause.] I am a Constitution mau, and in favor of maintaining all the powers established in this Government by the Constitution; aud I hold that the only remedy for all evils in this Government, is the peaccable remedy of the ballot-box. I would, therefore, bow in implicit obedience to, and stand by the administration of the affairs of Government, placed in the hands of any man, whoever he may be, that is chosen at the ballot box by the Constitutional authority, and in accordance with it.

I have further objections to the doctrines enunciated by the leaders of this Republican party. I find that the Hon. Nathaniel P. Banks, a distinguished Republican, who was chosen Speaker of the House of Representatives, at the session of 1855–6, in one of his New England speeches made the following declaration:

"Although I am not one of that class who cry for the preservation of the Union; although I am willing, in a certain state of circumstances to let it slide, I have no fear for its perpetuation. But, let me say, if the chief object of the people of this country be to maintain and propagate chattel property in man—in other words, human slavery—this Union cannot and ought not to stand."

From a declaration made in that unqualified sense what is to be understood by the people of the South? If the object be to protect human chattels or slave property, then he tells us, that this Republic ought not to stand. With the second section of the fourth article of the Constitution of the United States staring him in the face, with the Constitution of the United States, which provides for the protection of that kind of property, staring him in the face, he makes that declaration.

Mr. BLAIR—Do you say that that was the purpose for which this Goverument was established? I understand the gentleman to assert the reverse of that proposition of Mr. Banks, and maintain that the Government was established for that purpose. Is that so?

Mr. DOUGHERTY—I said he made this declaration with the section staring him in the face—the section declaring that the slave States have certain rights under that Constitution, notwithstanding which he made that declaration. Does the gentleman understand me? [Applause.]

Now, I come to one of the most unhappy sentiments ever uttered in this country, and yet the Republican party must acknowledge it, and acknowledge the man who uttered it as belonging to the Republican party, for I find him in both of the only two National Conventious the party has ever had, and cutting as large a figure iu those Conventions as any other member of the party. I allude to Joshua R. Giddings. He lives in Northeru Ohio, in that region where the country is benighted, and where wolves iu sheep's clothing are produced in every political thundergust. [Laughter.] I find Mr. Giddings in the Fremont Couvention of 1856, using the followiug language. Perhaps I was in error in saying that the speech occurred in the proceedings of the Convention. I meant only to allude to the fact of his having been in that Convention. He says:

"I look forward to the day when there shall be a servile insurrection in the South; when the black man armed with British bayonets, and led on by British officers, shall assert his freedom, and wage a war of extermination against his master; when the torch of the incendiary shall light up the towns and cities of the South and blot out the last vestige of slavery. And though I may not mock at their calamity, nor launh when their fear cometh, yet I will hail it as the dawn of a political millenium."

Now, Mr. Speaker, if such sentiments as these are to be uttered—and they were uttered, too, by a leading Republican, one who is received in their National Conventions, for he figured largely in the

Fremont Convention of 1856, as a delegate from Ohio, and his opinions carried weight and influence largely in that Convention.

Mr. CROCKER—(interrupting)—Did those sentiments of Mr. Giddings' get into the platform of the party?

Mr. DOUGHERTY—I will answer the gentleman. I say these are sentiments not for the platform of the party, but sentiments that the party live upon as their political daily bread. When it is necessary to talk to the public, when they come to form a political platform, they find, as a matter of policy, that they must leave them out, and that is the reason they do not get in. [Applause.]

Mr. MILLER—I presume the gentleman from Sierra does not wish to do Mr. Giddings any injustice. I, therefore, wish to remind him, that in a public meeting, or lecture, which Mr. Giddings delivered in Philadelphia, in December, 1859, he retracted that speech, and said he was sorry he had ever made it.

Mr. HARRIS—I perceive the voice of the gentlefrom Sierra is very much exhausted, and if he will yield for that purpose, I will move that the House adjourn. Then the gentleman can renew his remarks to-morrow at the usual time.

Mr. DOUGHERTY—I thank the gentleman for his courtesy, and should be happy to avail myself of it, as I could finish my remarks with much more ease to-morrow, but for some reasons, and among them, I presume, I might be trespassing upon my friend from San Francisco, (Mr. Campbell) who, I understand is expecting to address the House to-morrow.

Mr. HARRIS—I make the motion, also, because there is an exciting debate going on in the other House, which members, perhaps, would like to hear.

Mr. CAMPBELL—I say in reference to the allusion of the gentleman from Sierra, to myself, that whatever will suit his convenience, will meet my entire approbation.

Mr. DOUGHERTY—I thank both the gentlemen for their kindness. I prefer to finish my remarks to-day, as many others may yet desire to speak on these resolutions.

I was about to say, in reference to those unfortunate remarks of Mr. Giddings, which I regret to see in existence at all, that after these sentiments had been promulgated to the public, from 1856 to 1859, and thus allowed to have their full weight and effect upon the minds of the people of the North, he did then retract the speech—and why? Because it had effected and consummated its purpose. [Applause.] With other doctrines of a like sectional character it had done the work for which it was intended.

I ask the attention of the House now to another sentiment of a leading Republican upon this subject, Mr. James Watson Webb, in the Convention at Philadelphia, in 1856, uttered another sentiment, addressed to the minds of the people of the North, which I consider prejudicial to the peace of the country. He said—

"Our people—loving order, loving law, and willing to abide by the ballot-box—come together from all parts of the Union, and ask us to give them a nomination which, when fairly put before the people, will unite the public sentiment, and through the ballot-box will restrain and repel this pro-slavery extension, and this aggression of the slaveocracy. What else are they doing? They tell you they are willing to abide by the ballot-box, and willing to make that last appeal. If we fail there, what then? We will drive it back sword in hand, and, so help me God, believing that to be right, I am with them. [Loud cheers and cries of 'good.']"

Loud cheers and cries of "good" in the Convention that nominated John C. Fremont! Now, are these sentiments, uttered and applauded in a National Convention, calculated to have any other effect than to fall with the most blighting force upon the public mind? This declaration, made in the Convention where the party nominated its candidate for the Presidency, was uttered by the man who was editor of the *Courier and Enquirer*, which was at that time, a Republican organ in New York, and still is a leading Republican journal. From the promulgation of these sentiments, these unhappy declarations, at such a time and such a place, I can draw no other conclusion than that my Republican friends at the North have been sectional, that they have warred upon the rights of the South. They have waged a war of words, a war of policy, a war of votes in Congress, a war of disobedience against the statutes of the nation for delivering up of fugitives from labor, a war of insubordination both to the Constitution and laws of the United States by the Acts of these State Legislatures which have been in the hands, or under the control of the Republican party.

But, sir, time would fail me, and so would the patience of this Assembly, and my own voice would sink, were I to undertake to present for the consideration of this House, all the disunion sentiments which have been uttered by the leaders of that party. I say the *leaders* of that party, and I ought to say to the mass of that party, that I do not wish to be understood for a moment as impugning their motives of patriotism, and their integrity to this country. But I say their leaders have been sectional, have been disunion in their doctrines and teachings, and that the nature of their legislation, where they have had control, has been disunion, wherever they have practically applied their principles. This plan of driving back slavery, sword in hand, first unfolded in 1856, what does that mean? Do not we see that it has been attempted to be carried out? Why, sir, upon the plains of Kansas has not this policy, since it was enunciated by James Watson Webb, been inaugurated to a certain extent?—Have they not, then and there, sword in hand, sought to drive back what they called slavery. But, perhaps, they were no more guilty of sectionalism then than are the people of the South guilty of sectionalism at the same time in trying to force their institution upon that Territory. I do not charge more guilt upon them in that matter than I do upon the South. But my object in presenting these considerations is to show to this Assembly and to the country that the sovereign power of this Republic has been poisoned by Northern sectionalism, taught by the Republican party, and poisoned also by Southern sectionalism taught by the demagogues and disunionists of the South, and that these things have culminated in each section in acts of war against the laws and against the peace of this Republic. And I, as one man who loves his country, and loves the Union, I stand here, not identified with the cause or with the acts of either of these extremes, feeling it my duty to charge upon each its respective share of the responsibility which belongs to it for having been the

source from which these difficulties have emanated. [Applause.] I stand here not only to make these charges, but to say to the people, "redeem yourselves from these sectional errors into which you have been led, and wipe away the stain that is resting upon the country."

There is another sentiment avowed by Wendell Phillips, in Boston, in 1860. In a late address to the people of Boston, in mass meeting, in February, 1860, he said:

"And better than that Puritan conscience awakes, and flings its spear down into the centre of Virginia, in their revolt of John Brown; and the world says, do I approve of him? Well, he is your eldest born, you ought to know him; he bears your lineaments, you ought to acknowledge him. He is the natural product of the thought of the North, seeking vent somewhere. The irrepressible conflict has begun."

Now there is another sentiment, a sentiment declared in Boston, by a man of distinguished talents, and occupying a prominent position of influence in the party.

Mr. CAMPBELL—I ask the gentleman whether Wendell Phillips ever was a member of the Republican party, for I deny it utterly.

Mr. DOUGHERTY—I do not take the position that he is a member of the party, but I say his influence is in concert with the party.

Mr. CAMPBELL—I hope the gentleman will excuse me, but his language was that Mr. Phillips was an eminent and distinguished person in the party.

Mr. BLAIR—I wish to call attention to another fact, also, if the gentleman from Sierra is not aware of it, namely, that Wendell Phillips made a speech recently in Boston, in which he not only denounced the Republican party in the most bitter terms, but he complimented the Democracy generally, and the secessionists in particular. [Applause.] Are you not aware of that fact?

Mr. DOUGHERTY—I am aware of the recent course of the gentleman whose remarks I have read, but I am showing the nature of the influence of these declarations upon the minds of the Northern people. And, sir, while they do not claim to identify him with their party at the present time, while they may deny that he ever has been a member of their party, yet what he declares is a sentiment which has been the product of their own teachings—that it is the irrepressible conflict that has now begun. I want to show that this remark has a direct reference to the proclamation of Mr. Seward's irrepressible conflict, and it is that same irrepressible conflict which Wendell Phillips says has begun. Begun how? By the carrying out of a raid upon Virginia. That is what he pronounces to be the irrepressible conflict, and it was that which he said was the sentiment of the North, seeking to find vent somewhere. And so I regard it. I do not charge my Republican friends with backing up John Brown, by no means. I think John Brown was hung about as promptly and about as high as he should have been, and that all the traitors and disunionists in the South ought in like manner to be hung higher than Haman. [Applause.] But Wendell Phillips, who is certainly a distinguished man, says that raid was the result of anti-slavery teachings, and I think he is right.

Now, sir, I find here a sentiment of John Hickman, a man whom they will acknowledge, I presume, as a member of their party. He has been a distinguished member of Congress, and an exponent of their party. In addressing an audience in Massachusetts, he said:

"And I say to you to-night, my fellow citizens, that if it will require the State of Virginia in arms to take old John Brown and seventeen men, it will require more than the fifteen feeble States of the South to successfully compete with the eighteen mighty States of the North."

Now I suppose, gentlemen will not deny that Mr. Hickman is a member of the Republican party.

Mr. BLAIR—I am willing to concede that Mr. Hickman made the assertion attributed to him, but I wish to call the attention of the gentleman from Sierra to this fact, that at the time when he made that assertion he was one of the foremost and leading Douglas Democrats of this Union, as the gentleman well knows.

Mr. DOUGHERTY—I am not aware of any such fact, and I should be obliged to the gentleman if at some subsequent time he will prove that fact.

Mr. BLAIR (in his seat)—I will do so.

Mr. DOUGHERTY—I am aware of the fact that he was elected to Congress recently as a Republican Representative, and as one of their directors of public sentiment he here alleges the same declaration endorsed by the Republicans of the New England States, that "it will require more than the fifteen feeble States of the South to successfully compete with the eighteen mighty States of the North." My object in pursuing this line of argument is to show that the sovereign power of the country has been poisoned by these sectional and secession doctrines because they teach and breath a spirit of insubordination to the laws of the country.

But I will pass along. I am not driving at the Republican party, nor do I desire to drive at the Breckinridge party, but I desire to see the truth elicited before the people, while my country is in peril, while it is trembling on the very verge of disunion, in regard to the two parties now existing in the country. And I thank God that they have shown a disposition to retract the doctrines and teachings which have produced the very results which we are now discussing, which we so deeply deplore, which are the cause of the trembling of this Republic to its very centre. But I must pass over many of these things. My own fatigue admonishes me not to follow out this issue. And, sir, it is heart-sickening, and I have no desire to follow out the deplorable record of such sentiments as have been expressed to poison the minds of this people.

But what is our duty as a people? I say to my Breckinridge friends upon this floor, and to our constituents, and I say to my Republican friends, (I call them friends, and they are my friends so far as they exercise and adhere to and practically carry out a spirit of patriotism,) I say to them all, whatever errors your party have committed in the past, whatever contributions you may have made to bring about the results that now hang impending over your country; I say, as American citizens I believe you love liberty, I believe you love your country; and if ever you or your party in the past, for party purposes, have taught a doctrine that is prejudicial to the safety of this Republic, retract it in Heaven's name, and let us stand again as a united people, and as brothers. [Applause.] I am ready to say to myself and to my party, that if heretofore, in order to reach place and

power, we have taught any doctrines which are prejudicial to the peace, the prosperity, and the glory of this country. I, as one of the Douglas party, am ready to sacrifice it, even if it should sacrifice me in every political sense, and even my existence. [Applause.] Now, sirs, what is to be the unhappy consequence if we fail to retract these dangerous errors? For gentlemen will bear in mind, members of the Douglas party, members of all parties, must bear in mind, that a political contest, for political power, has been going on, that in the progress of this contest, political organizations have arisen out of the great mass of the people of this country, and that it is these organizations which have produced the very results which we are now trying to meet. And let me say that those errors which separate us, and which endanger the existence of the country, must be abandoned, and that concessions must be made by us, as concessions were made by our fathers, to bring about the consummation of that Constitution which established this Republic. Whatever there may be that is perilous to this Republic, whatever is inconsistent with the peace and harmony, and safety, and the triumphant march of this Republic, whatever may stand in its way, in the shape of party, or men, must be removed. My country first, my country last, and my country forever. [Applause.] Let us make all such concessions as may be necessary to accomplish this purpose. Let me say to the Breckinridge party, retract your error, that a State has a right to secede, that you have a right to dismember this Government, a right to prostrate this Government below the respect of its own citizens, to incapacitate it for protecting itself, not only to deprive it of the power of self-protection at home, but to deprive it of that lofty position and powerful influence which it wields abroad. And let us say, Republicans of the North, that if there is anything you can do to bring about peace and harmony, I expect to see you proceed at once to do it. I expect to see you wiping from the statute books of those States which have passed the Personal Liberty Bills, which deprive your fellow-citizens of the South of the right to come into the North and take possession of their property which may have escaped, as the Constitution provides. I expect to see you repeal the statutes which are insubordinate to the Constitution of the United States, and wipe out from your State laws everything which is prejudicial to the rights of your brethren in the South. And I expect your brethren in the South to cease all this defiance of the North; and then when these party differences shall cease, we may have our sunshine of peace and prosperity, and this glorious country may go on to the conclusion of its manifest destiny, to light up the world with its bright example of liberty, to teach monarchs that man is capable of self-government, that the right to exercise it runs parallel with his natural existence, and that as our fathers declared and maintained that right, we are exercising and enjoying it now. [Applause.] We have Territory enough for forty States, if we can hold together, if we can cease to be sectional, and cease to war against each other, and adhere to the glorious principles that were laid down by our fathers when they started the infant Republic. [Applause.]

I deny that we as men or as parties, have a right to trifle with this Union. I see in building up this Government, a striking and singular exhibition of Divine Providence. I find that George Washington, a man peculiarly fitted for his work, was raised up, providentially saved from the missiles of death, which slew his British superior, while fighting the Indians in the Colonial service of Great Britain, long before this Government was put in motion. I find that he was rescued from that death and raised up for the purpose of being an instrument in the hands of Him, who, in the revolutionary struggle, gave the battle to the weak and defeated the strong, in order that this infant Republic might become the greatest empire upon the whole face of God's earth. Do we not see the hand of Providence in the history of that struggle, when a mere handful of patriotic men in this country contended successfully against the strongest nation, with the best disciplined armies and the largest purse of any nation upon the continent of Europe? We find a Washington, the great leader of our ancestors who were engaged in that struggle, rescued from death, and providentially raised up for that great purpose, just as we find in sacred history, a Moses picked up floating on the bosom of the turbulent waters, to be nurtured from infancy, and raised up as the leader to bring out that chosen people who had been in bondage for four hundred years. I say then it is not ours to trifle with this Government. It is designed in the hands of Providence, for a great and noble purpose. Sir, what is our position if civil war should follow the present estranged state of feeling which has grown out of the causes I have enumerated? What would be the result of such a war? Will it not ruin your Eastern cities? Will not your Southern rice and cotton fields, your Northern rich and fertile farms, and the great prairies of the West, now yielding an ample support to their farmers and tillers, be drenched in their blood? Will not fraternal blood run in the rivulets of your country? What then can be desired but peace? If we allow the hand of sectionalism, the hand of disunion, to prostrate this Republic, who shall build it up? Are we prepared to dig the nation's grave and bury it forever? Can we do it without a funeral procession of mourners from all the world to shed their tears over the annihilation of this Republic? Would it not be the heart's delight of monarchs to see us cease to exist? We should say to ourselves in this moment of peril, Oh for the pen of Job, with which he desired to write his sorrows upon the rock, that we might write upon our hearts an indellible love of our country and a firm resolve as brothers to protect and defend it from all internal faction and external invasion. [Applause.] I deny that any external power exists upon this continent or on the globe, which can endanger this Republic. I defy any power to destroy it, for it is important to us, and doubly important to our posterity, that it should travel down the line of time, unimpaired, for the benefit of the posterity which is to come after us. [Applause.] What are our hopes and prospects? Does not our Republic extend from the Atlantic to the Pacific Ocean, and the embowering branches of the tree of liberty shelter these on one side of the continent as well as on the other? Demolish the edifice and who shall rebuild it? and where in the balance of our days to the end of our natural careers, as patriots and as freemen, shall we turn to find a resting place? We have learned too much as freemen to be willing to lay down these rights and privileges which we now enjoy, and to spend the evening of our days without nationality, and without the enjoyment of these rights of freemen. I desire this Government to pass on in its strength and glory down the line of time, and only close its existence when the heavenly messenger shall pronounce the funeral obsequies of the world. [Applause.]

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STATE OF THE UNION.

2512 6

SPEECH

OF

HON. D. P. DURST,

OF COLUSA,

ON THE

RESOLUTIONS UPON THE STATE OF THE UNION,

DELIVERED IN THE

ASSEMBLY OF THE STATE OF CALIFORNIA,

AT THE

TWELFTH SESSION OF THE LEGISLATURE,

Saturday, March 2, 1861.

SACRAMENTO:
1861.

SPEECH.

The House having under consideration the resolutions reported from the Committee on Federal Relations, concerning the State of the Union.

Mr. DURST said:

Mr. SPEAKER.—I do not know that my speech upon this occasion will be regarded as of sufficient importance to justify the trouble which some gentlemen have kindly taken to enable me to obtain the floor; but as this is a very important question, and one in which my constituents, like those of every member, I presume, feel a deep and vital interest, I have felt it my duty to express my sentiments and opinions, with as much brevity as possible, though I fear it will be in a very imperfect manner. Sir, being less a man of speech than of action. I approach this important subject, in this Assembly, with a great deal of diffidence. This question of Union or Disunion is one which I had imagined, until very recently, had but one side to it. I had not supposed that the disunion side of that question would find any advocates in this Legislature. I hardly believed it would find any advocates at all in this State, or even in the United States. in numbers worthy of consideration. I now have sufficient reason for viewing the question in a different light, from the tenor of that which constitutes a portion of the groundwork of this debate, namely, the resolutions which have been reported from the minority of the Committee on Federal Relations. We have two sets of resolutions emanating from that Committee, one of which is denominated the majority report, and the other the minority report. These two reports agree upon some points, but, nevertheless, there are important differences between them. The authors of the majority report have, it seems to me, regarded this National Government of ours as still existing, in spirit, as perfectly as it did before we ever had reason to suppose that occasion could possibly arise for the presentation of resolutions of this nature in this Legislature, or that of any other State of this Union. In other words, they have held that this Government has not been destroyed, and that the Constitution of the United States is, in itself, as whole and as perfect now, as it ever has been. On the other hand, the minority report, in my judgment, takes the position that the Union is dissolved already; that a few States have withdrawn from this Union; and that, consequently, the Constitution of the United States is impaired, and that the proposition before the country is to go to work to re-establish or re-construct this Government. Now, Mr. Speaker, I agree in the main, with the spirit and sentiment of the majority report, that is, upon the main issue presented there, which I understand to be, that the Government of the United States is still a perfect Government, in all its parts, notwithstanding that, in consequence of the neglect of the Administration, a few of those States which have been members of this Confederacy are now in open rebellion against the laws and against the Constitution. I may as well notice here an objection which I entertain against this majority report, an objection which, at the proper time, I propose to obviate by an amendment. A portion of the preamble to the majority resolutions reads thus: "Whereas, the attempt is being made by one or more States, forcibly to dissolve this Union, and subvert the Constitution." etc. I propose to substitute the words—"Forcibly to withdraw themselves from the obligations of the Constitution, which were voluntarily assumed." For I maintain, that even though a few States should, by means of rebellion, succeed in separating themselves from this Government, and establishing a new Government, upon what I now regard as American soil, still the Constitution of the United States would not thereby be impaired, nor its Government destroyed. This Government is not to be dissolved in that manner. And you will perceive, sir, that if this doctrine be correct, and I entertain not a doubt of it. it shuts the doors at once, completely and forever, against this wild project of a Pacific Republic; a project, which I am often led to believe, is one of the deep, underlying motives and springs of action of certain parties in this State, who seem to sympathize more strongly with South Carolina and the other seceding and rebellious States, than they do with their own national Government, or even with the State of California, in which they live. These men hold that their allegiance to their native States is first, and their allegiance to the United States is second; in other words, their State pride is superior to their national pride. And, sir, I sometimes think I see good cause to believe that this impelling motive, to which I have referred, and which I know exists in the bosoms of some men, also pervades

and permeates, as it were, almost the entire party which is peculiarly opposed to the administration of this Government by the incoming President, whether that administration shall be good, or whether it shall be bad. Their great and controlling object or hope appears to be that this national Government shall be dissolved, or shall, at least, be so regarded by the people of California, in order to enable them to take the first steps towards the establishment of a Pacific Republic. I do not wish to be understood as saying that every man of that party, which seems to sympathize with this revolutionary movement in the Southern States, more than it desires the preservation of the Government, is in favor of a Pacific Republic; but I do wish to be understood that it sometimes strikes me in that light.

Now, one set of these resolutions, as I have said, takes the ground that the Government is already dissolved, while the other set takes the ground, in which I concur, that a portion of the people of the United States are in open revolt against the Government, *which, nevertheless, is still a perfect Government.* That revolt may be successful. The Government may not succeed in restoring quiet to the country, by bringing back those revolted States into the Union again. And in that case, I can conceive that it might become the duty of our Government to recognize them as a Government *de facto.* Some of my friends who seem to be prepared for sending an armed force for the purpose of subduing the revolt in those States, may be disappointed at hearing the expression of these views, but, in order that, upon that point, they may more clearly understand me, I will here say further, that I believe it to be the duty of the Government to protect its property in forts, arsenals, and dock-yards, and, if necessary, to send reinforcements for such protection; and if the Government of South Carolina, or any other State makes resistance, and thus forces the Government into war, they must take the consequences. I do not think, however, that such would necessarily be the result, because I believe the leaders of this revolt are not wholly destitute of prudence. These are not the only circumstances under which I would justify the sending of an armed force into those revolted States. For example: we learn that in Texas there is a Union as well as a disunion party, and the same is undoubtedly true of all the other Southern States which are supposed to be tending towards a Southern Confederacy, with the exception possibly, of South Carolina. Now, if in any one of those States there should be a party respectable in numbers, though even in a minority, desirous of remaining in the Union, in case civil war should break out between those parties—Union and Disunion—and the Union party should appeal to the Government for aid, then I hold that it might become the duty of the Government to send forces to their assistance for the purpose of quelling the insurrection.

Mr. Speaker, these resolutions now before us, both those from the majority, and those from the minority, must necessarily have been drafted by parties who supposed they had in view the Constitution of the United States as it is. But, sir, these minority resolutions would have been much more appropriate to the circumstances of the country if this Government were now working under the old Articles of Confederation, instead of the Constitution, which is an entirely different instrument. These resolutions are, therefore, in several respects, radically wrong. Permit me to point out some of the differences between those two instruments, differences marked and important, but which those who drafted the minority resolutions seem wholly to have lost sight of. In the first sentence of the Articles of Confederation we find they are entitled, "Articles of Confederation and Perpetual Union between the *States* of New Hampshire," &c., while the corresponding portion of the Constitution, which is the Preamble, begins, "We, the *People*, of the United States, in order to form a more perfect Union," &c. The second Article of Confederation reads thus:

"ART. 2. Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the United States in Congress assembled."

The corresponding clause of the Constitution of the United States reads in a different manner. It says:

"ART. 10. The powers not delegated to the United States by the Constitution, nor prohibited to it by the States, are reserved to the States respectively, or to the people."

In the articles of confederation, "the people" are not mentioned in the connection. They are apparently unknown there, but the States in their sovereign capacity are known and recognized. The principle is that the entire sovereignty of the people of the several States, is delegated to those States, and by those States, as sovereign States, the articles of confederation were adopted. But under the Constitution the States have only certain reserve powers, namely: Those which have not been delegated from, nor prohibited to, them, and those powers are equally reserved to the people, by whom States are created. The people, for instance, have the right to establish a State government such as we live under in California to-day. The State governments are as much the creatures of the people as the government of the United States is the creature of the people. The people of the United States have delegated certain powers to the United States government and at the same time they have reserved certain other powers and rights which they have delegated to their respective State governments. Now, I hold that the people through their State governments cannot demand from the Federal government that portion of their sovereignty which they have delegated to the Federal government, but at the same time I hold that the people of any State, as a people, have the right of revolution, the right, if they have the power, forcibly to reclaim this sovereignty which they have delegated to the United States government. And then, if they please, they may re-delegate it to their own State government, which then must be regarded as a perfect sovereignty. I think a State in its relation to the Federal government approximates closely to the condition of a society or corporation within a State. It is not in my judgment by any means a perfect sovereignty, nor by any means equal to what its founders intended that the government of the United States should be. A foreigner may swear allegiance to the United States in any District Court in any State or even in any Territory of the United States, and then, Sir, though he may go to Virginia or Connecticut or any other State, he must be recognized to all intents and purposes not only as a citizen of the United States, but also as a citizen of the State in which he resides, with the same rights and privileges as if he had been born there. And the children

of foreigners born even in an unorganized Territory of the United States, are in like manner citizens of the United States, and citizens of any State of the Union into which they may emigrate. Again, a man emigrating from one State to another becomes under the authority of the Constitution, and without swearing allegiance to his adopted State, as much a citizen of that State as if he had been born and reared there. All these facts and illustrations appear to me, Mr. Speaker, only to confirm and strengthen that great doctrine for which we battled in the past political contest, the only true and correct principle under our Constitution, and a principle which if it had been adopted by the whole American people would have settled this whole sectional difficulty without the necessity of a compromise—I mean the principle of the right of the people to self-government in the Territories. I believe that the position of the Breckinridge men and that of the Republicans upon this question are virtually identical, and therefore to me one of these parties is just as objectional as the other. And now that one of these parties opposed to our principles is in the majority in this country, and about to take possession of the government, and as the other party, equally opposed to us, but taking the other extreme, believes very generally that that party having the control of the government will adopt measures of injustice toward them, or at least toward the Southern States, and also in view of the fact that the party coming into power entertains a like belief that the other or Southern party would, if it had continued in power, have trespassed upon what they believe to be their rights; I say, in view of this state of facts, I am in favor of measures of compromise. I believe that under the present state of circumstances compromises must necessarily be made, and will be made. I regard both parties as sectional or extreme parties, the one on the one side and the other on the other side of the true and just principle which should obtain. I am not directly opposed to what is called the Crittenden compromise; but I would much prefer the compromise offered by way of amendment by Mr. Douglas, and for this reason: if there were no other, that the Crittenden compromise, we as a party standing upon a great Democratic principle, are entirely compromised out. We see in that compromise nothing whatever left of that grand fundamental principle which we all so dearly love, and for which we all fought so hard in the late canvass. I do not wish to be understood as objecting to the Crittenden compromise solely on the ground that it works an injury to our party.—I prefer the Douglas compromise because I regard it as an amendment which would bring the measure of compromise into more strict accordance with the spirit of our government. Neither do I wish it to be understood that if I cannot have my first choice in that matter, I shall be opposed to the Crittenden, or any other compromise, measurably just. I am one of those who sincerely desire to see this government preserved, who are really anxious that peace and harmony and fraternal concord shall be restored to the country; and just as much as I deprecate dissolution, just as much as I dislike to see the rebellion of some few States, and their withdrawal from the Union, just as much even as I would dread or deplore the entire destruction of the government, just in the same ratio and proportion am I in favor of any honorable compromise.

I find, Mr. Speaker, that I have wandered somewhat from the line of argument which I had proposed to pursue, and have omitted to give in their proper place some further comparisons showing the real difference between the Articles of Confederation under which this government was originally administered, and the Constitution by which that framework of government was superceeded. I will now return to that branch of the subject. I trust, Sir, that you and the House will bear patiently with this desultory mode of address, and attribute it to my want of experience in addressing public bodies. I did not expect to address you in words of burning eloquence, or so employ language which should make my hearers weep; but I did and do hope to make my sentiments, my opinions, my strong convictions, upon this important and all absorbing topic clearly understood. But to return to my argument: I find in the fifth article of Confederation a paragraph which reads thus:

"In determining questions in the United States in Congress assembled, each State shall have one vote."

Under the Confederation, therefore, in the determining all questions in Congress, each State, whether large or small, was entitled to one vote, and no more. Under the Constitution this matter is regulated in an entirely different manner, and in a manner, too, which shows that this was intended to be a government of the people, and not of the States. It is true that in the Senate each State has an equal voice, but in the House of Representatives, the popular branch, each State, or rather the people of each State, are represented according to the population of the State. And here I am reminded to state, what would have come in more appropriately in a preceding part of my remarks, that in relation to the amendment of the preamble to those resolutions, that in my opinion if a few States, for instance, three, four, or five States, having declared themselves out of the Union, should withdraw their Representatives from the national Legislature—the Senate and House of Representatives—still could proceed in their business with a quorum of members from the remaining States, and the business transacted under such circumstances should and would be regarded as just, as perfect, and legal as it would have been if those Representatives had not withdrawn.

I am opposed to recognizing any such principle as that the secession of one, two, or five States, even, thereby dissolves and destroys this Government. If they succeed in their rebellion, and establish a Government which we may finally be disposed to recognize as a Government *de facto*, still our Government would remain a Government, and our Constitution would still be perfect. And if the withdrawal of States should even continue until only one half of the States were left, I hold that those which still hold together, choosing to be governed by the old Constitution, and to rally yet under the banner of the Stars and Stripes, would still constitute the Government of the United States. I say, that though only one half of the States remained faithful, the Union would not necessarily be dissolved, and there would be no necessity, reason or excuse for separating ourselves from that Government or taking measures for the establishment of an independent republic upon the Pacific coast. I recognize, as I have said, the right of the people to revolution, and if by means of revolution, the people of one-third or one-half of the States succeed in reclaiming their

delegated sovereignty, and withdraw from the Union, then, I say, that in either House of Congress, one half of the Representatives of the remaining States should be regarded as a quorum.

But to return to the question of the nature of the Federal Constitution. Article 6, of the Articles of Confederation, declares—

"No two or more States shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the Congress of the United States, in Congress assembled, specifying accurately the purpose for which the same is to be entered into, and how long it shall continue."

There we discover that the Confederation recognises the right of the States to enter into treaties with each other. But the corresponding section of the Constitution, section 10, of article 1, reads thus:

"No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit, make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, or *ex post facto* law, or law impairing the obligation of contracts; or grant any title of nobility."

We find that these two articles are radically different. The one recognizes a principle which the other entirely repudiates. The Confederation recognised the principle that States might treat with each other under certain circumstances, but the Constitution expressly provides that States shall have no power to make treaties; that they shall form no treaties or alliances of any species or character. Again, in the amendments to the Constitution, we find article nine reads as follows: "The ennumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Whereas in the other instrument, the articles of confederation, in speaking of the party constructing the Government, people are not spoken of, but States.

Now, sir, I think from these contrasts which I have made, it is a correct conclusion that there is a distinct and marked difference between these two instruments—in other words, that there is a distinct and marked differeuce between the Government as first organized and that under which we exist. The difference is, that one is really a compact, and the other was intended to be a government. It was so regarded universally until recently, and it is now so regarded by many, notwithstanding that many others regard it as a compact. I think if our present Government is not really superior to any Government existing under it, like a State or Territorial Government, then its founders did not succeed in accomplishing what they thought was required by the people of the United States, at that particular time. If they had intended merely to make a more perfect compact between the sovereign States, they could have so amended the articles of confederation as to have answered every purpose, and it would not have been necessary for them to resort to the creation of an entirely new Government.

In respect to the project of compromise, I am just as much in favor of our Government compromising and settling these difficulties, as I am in favor of its preserviug its dignity and its respectability abroad as well as at home. I am not in favor of the Government making a compromise with a portion of the people; but I am in favor of a compromise being made between the people under the Constitution, under this Government. Therefore, I am in favor of the Crittenden Compromise, if we cannot have the Douglas amendments. But in order that these troubles shall be settled between the people, and that quiet and peace may once more be restored to the country, it is necessary not that the Government should be regarded as being out of existence, but as existing with all the energy, and vigor, and virtue that it ever has possessed.

Because a portion of our people believe (and I am satisfied that some of them are conscientious in that belief,) that a party is now about to take possession of the Government who are at heart desirous of so altering and administering the Government as to interfere with the constitutional rights of a certaiu section of the country—because they believe this, they have no right to cry down the Government, to trample the Constitution under their feet, or to pull down the flag that they have heretofore recognised as the flag of their country, and rally under a foreign banner. But, sir, they have a right to denounce this party and their principles; and they have a further right, if this party does take possession of the Government and does not administer it Constitutionally, to resort to other remedies. For, if the Congress—House of Representatives and Senate—should prove to be Republicau, it will be by the acts of those very people who complain of their rights being in danger, who could have prevented in a legal, Constitutional way, their rights from being trespassed upon, by remaining in their places. But even if this party, which they believe will disregard the Constitution for the purpose of gratifying their prejudices or manifestiug their power, (which I don't, for a moment, believe that they will do,) if this party should enact unconstitutioual laws, when they get it in their power, it will be in consequence of the action of those very States which believed that their safety required them to withdraw from the Government, that action having put it into the power of this party to enact such laws as would be detrimental to their interests. If they should enact such unconstitutional laws, in the event of their having the power to do so, they will not be sustained by the people; that Administration, I believe, will not be sustained by a very large majority of the people who elevated the Republican party into the high places of the Governmeut.

Another point might be taken on this question. In the event of all the border States agreeing on a compromise, and a few of the extreme Southern and Northern States, refusing to recognise that compromise, a very peculiar state of affairs would be presented, especially to those persons who are so much opposed to the enforcement of the laws. They might possibly find themselves in favor of enforciug the laws in Massachusetts, supposing that she nullified, or was disposed to disregard the Federal laws, if they had not already declared that they were opposed to the enforcement of the laws in South Carolina. I have strong hope that the border States will agree upon a compromise, but I should not be at all surprised if a few of the extreme Southern States, and a few of our New England States, should not be disposed to recognise the compromise. In that event, sir, I would be in favor of what I have already attempted to express myself as in favor of—of the Federal Government holding possession of its property in those States, both South and North, reinforciug the forts, if necessary, and collecting the customs, as I think they should be collected, in the South now, if possible, namely, in the most concili-

atory manner, if the word "conciliatory" is at all admissable in this case. I say, in the event of any of these States, North and South, objecting to the adoption of the compromise which might, and I hope will be adopted by the border States, I am in favor of the collection of the customs in the States in both sections of the country, and holding possession of the forts and arsenals, where we have possession, and also where we have not possession, if possession of them can be had without very materially endangering the peace of the country or bringing on civil war. In other words, if we can get possession of the forts and arsenals without marching over the Territory, now in possession of a foreign power, or, if you choose, a government *de facto*, and in that way bringing war upon us, then I say I am in favor of getting possession. I am rather inclined to the opinion that it would perhaps be good policy to recognise the States of South Carolina, Alabama, and Georgia, as constituting a government *de facto*. At the same time, I am not in favor of the Government surrendering the forts and arsenals of which she has possession. I would have her strengthen them, if she can do so with safety, in accordance with the true interests of humanity, if so doing would tend most towards preserving this Government. I mean by preserving this Government, preserving its spirit to mankind, even if it is physically somewhat injured. If it is not possible to get all the States back into the Union again, I believe that the spirit of the Government can nevertheless be preserved, and that by doing so the honor and respectability of the Government abroad will be equal to what it has been heretofore. The time may even have arrived, that it is of as high importance for our Government to hold possession of Forts, Arsenals and Dock-yards, withiu the limits of that portion of our Territory now in possession of people in open rebellion to our country, as it was for our Army in Mexico to hold possession obtained by conquest until a treaty was agreed upon by the two contending powers.

I might further say in this connection, that even so far as the State of South Carolina is concerned, circumstances might there arise which would justify the military intervention of the Federal Government. Suppose, now, that we have a compromise proposed to which every State of the Union can subscribe, that a small majority of the people of that State refuse to subscribe to this compromise, that civil war should break out among that people, and that those who are in favor of continuing their connection with the Federal Government should call upon the Federal Government to aid them in putting down insurrection in their midst, I would be very much disposed to aid and support them. Should fifteen States in a body go off from this Government, a different state of circumstances would be preseuted to any that I have yet imagined, or that I can imagine. I do not imagine that all the slave States will in a body leave this Government. I believe that the border slave States and the border free States will agree on a compromise. The event, that on the inauguration of Mr. Lincoln, the slave States will in a body leave the Government, is one that I do not desire to contemplate. It is enough to say in that connection, "sufficient to the day is the evil thereof." We have no good reasons yet to believe that all those States are going to leave the Government, simply because a man has been elected President of the United States, in a Constitutional way, who is personally obnoxious to them. When I read the speeches of such men as Andrew Johnson, of Tennessee, and Ethridge and Clemens, and see that those men representing Southren States, dare speak as they do, I have very strong hopes that the State of affairs of which I have just spoken, will never occur, that is, that the Southern States in a body will never leave this Union.

I might say a few more words in connection with this compromise. We have had a little skirmish over the adoption of compromises in this House. I was in favor of the adoption of the Crittenden compromise, as it was first introduced by the gentleman from Plumas (Mr. Wood). But when it was proposed to endorse Mr. Douglas and Mr. Breckinridge at the same time, I was opposed to it. I was opposed to the endorsing of any particular man, because if we were to endorse any man, we might just as well have endorsed Mr. Seward, since he was also in favor of compromise and the preservation of the country. We find that the man whom all we Douglas Democrats so much admire, that he can endorse some of the language of Mr. Seward now. Because we can endorse some of the acts of Mr. Breckinridge, and of Mr. Douglas, and of Mr. Seward, or some of the sentiments expressed by them, is no reason why we should attach the names of these gentlemen to a resolution so important as that relating to the Crittenden compromise. I, sir, am one of those who believe that there is some virtue in every man. I believe there are conservative and good men in every party and in every portion of the country. I believe there is treason in the North, and treasou in the South. I believe that Wendell Phillips, Garrison, Smith and McFarland are traitors to our country, opposed to the Constitution, and in favor of its destruction. I believe that Yancey, Rhett, and men of that class in the South, are, and have been during the last few years, as much traitors to our country, as these men in the North. I care uot where a man lives, if he is not in favor of the preservation of the Government, I shall regard him as an enemy of the Government. If I believe that he holds and advocates aud tries to enforce principles which I consider treasonable, I shall regard him as a traitor, politically, however I might esteem him socially; for it is probable that if I were aequainted with Garrison or Yancey, socially I should have kind feelings towards them, much as I despise their political causes. I believe that these are the meu who should be deuounced by every trne patriot, by every man who desires peace and harmony to be restored.

I believe that there are men in this House—I know that there are several—who differ with me on this subject, as much as it is possible for men to differ. I believe that they are sincere as I am sincere—that they are as honest and as candid as I am; but I cannot consent to view this Government from their stand-point—that the Government is now dissolved—that we must act as though we had none, and that we must endeavor to re-construct it. The view that we should take is, that the Goverumeut exists, that the Constitution is as perfect as ever, that the laws enacted under the Constitution have as full force now as at any previous time, and that the enforcement of the laws is as much a duty now as it ever was. I am disposed to recognize aud endorse every act of the incoming Administration that I believe to be correct and Constitutional. I shall support it as long as it recognizes the Constitution

as being the supreme law of the land. In that portion of the country which does not recognize the supremacy of the Constitution, some questions of policy may come up in the settlement of these troubles. I have already endeavored to set forth my views in respect to that portion of our country, for I still regard it that the country is ours, although a people foreign to our Government has possession of it. If South Carolina, or any other State, should attack the Federal forces in those places, then another state of circumstances would present itself. I believe that the Federal Government should practice as much humanity as is consistent with its dignity, but I am not one of those who believe that any of those States rebelling against the Government have a right when they find a small garrison in a fort—which has heretofore been recognized as, and is still, the property of the United States—to massacre that garrison in order to get possession. If they do strike a blow, and get possession of the forts under these circumstances, it is a declaration on their part, of war against the United States. Further, I believe that it is the duty of the Federal Government, prudently, decidedly and earnestly, to maintain itself in all the possessions that it now holds in that district of the country in which the people are in open rebellion, and have declared themselves independent of the Constitution.

I cannot sit down without saying a few words about the outgoing Administration. I have some State pride. In my humble way, I heartily supported and encouraged the election of James Buchanan to the Presidency, and—I say it in sorrow—I am one of those who regret to feel that it is their duty to denounce the Administration of that man. I have a right, as a Pennsylvanian, as a former citizen of the State of which he is a native, to complain of him for having made such an unparalleled failure in the Administration of the Government. I was very proud when Pennsylvania was honored with the President of the United States. But as much as I then was gratified in having voted for him, I now regret that I was instrumental to any degree in elevating him to that place, because he has proved himself entirely incompetent for it. As much as I regret having voted for James Buchanan, am I pleased in not having voted for Mr. Breckinridge or Mr. Lincoln, or supported them in the canvass that has just gone by. I do not believe, however, that either of these men would prove as weak as Mr. Buchanan.

Yes, sir, this political structure almost supernatural in symmetry and beauty; this powerful, this gigantic structure has not been injured in spirit by the unparalleled wantonness of the outgoing administration. Sir, I have not the language to express in a slight degree, the condemnation *that man* so richly merits at the hands of the present generation, and I would utterly fail in attempting to portray the condemnations future generations should and will heap upon his head. The condemnations of the present generation heaped up with those of many of the future generations will only do justice to that man for the stigma that he has thus partially brought upon mankind,

6

SPEECH

OF THE

HON. HENRY EDGERTON,

ON THE

RESOLUTIONS UPON THE STATE OF THE UNION,

DELIVERED IN THE SENATE,

AT THE

TWELFTH SESSION OF THE CALIFORNIA LEGISLATURE,

JANUARY 31st, 1861.

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1861.

SPEECH.

I understand, sir, upon consultation with most of the members of the Senate, that these resolutions are to be considered as all before the Senate or under consideration for the purposes of debate at one time. They necessarily run into each other, and it will be very difficult to disconnect them and discuss one resolution by itself. It is the understanding, therefore, that they are all to be considered together. I desire now to submit the views I entertain on the subject which they set forth. "Nobody, I believe, will consider it merely as the language of spleen or disappointment, if I say that there is something particularly alarming in the present conjuncture. There is hardly a man, in or out of power, who holds any other language. That Government is at once dreaded and contemned; that the laws are despoiled of all their respected and salutary terrors; that their inaction is a subject of ridicule, and their execution of abborrence; that rank, and office, and title, and all the solemn plausibilities of the world, have lost their reverence and effect; that our foreign politics are as much deraoged as our domestic economy; that our dependencies are slackened in their affections, and loosened from their obedience; that we know neither how to yield nor how to enforce; that hardly anything, above or below, abroad or at home, is sound and entire; but that disconnection and confusion, in offices, in parties, in families, in parliament, in the nation, prevail beyond the disorders of any former time. These are facts universally admitted and lamented." Such is the graphic and repulsive picture of a distracted empire as drawn by the great Burke toward the close of the last century. Could the eye of that master of political philosophy have run along the line of time, and revealed to him the terrible crisis that is now upon us, his genius could have crayoned out no more truthful a delineation of the condition of our own times and country. The present Chief Magistrate, inaugurated into office under auspices of general peace and prosperity—strong in the confidence of a mighty, united and triumphant Democracy—possessed of every aid and inducement to an honest, a patriotic, brilliant, vigorous and successful administration of the Government — will soon retire from power, amid general execration and disgrace, carrying into his retirement the official brand of public condemnation upon his forehead, and leaving to history, as the only trophies of his Administration, the National Treasury depleted, the country loaded with an incubus of debt—that great national and conservative party, to whose generous and confiding suffrages he owes all his fortunes, demoralized and dismembered, the perpetuity of the republic a doubtful and an appalling problem, and his own name a byword of infamy and derision throughout the civilized world. In Congress, legitimate legislation of the most pressing and immediate necessity, most imperatively demanded by the progressive exigencies of the country, has been postponed to wrangling, fanatical contests over the settlement of political creeds and party platforms; the Federal laws, violated on all sides with shameless impunity, are despoiled of all their authority; rebellion, treason, murder, pillage and rapine have run riot and fattened on the connivance and imbecility of the Executive; a system of proscription, relentless as the grave, that submits to no standard of capacity for public employment, but servility to power and obedience to tyranny, has banished nearly all freedom of individual opinion, nearly all erectness of character from every department of the Federal service; the people of the Territories cajoled and deceived by promises of sovereignty and power, spoken to the ear only to be broken to the hope, have been filled with dismay and distrust. All these, and kindred disorders, have prevailed until the value of our republican institutions has become seriously depreciated at home, and the wholesome, beneficent power of their example fatally impaired abroad. Four years of tortuous policy and maladministration of our public affairs have brought us to the brink of dissolution. Everywhere, all over the land, in the North, the South, the East and the West, the elements of the coming storm are gathering thick and fast upon us; and the solemn question that now wrings the patriot's heart and tasks the statesman's skill is, what can be done to avert it? At such a moment I deem it the imperative duty of this Legislature to speak out, to take high and decided ground, to give a firm, deliberate, official and authoritative expression to the feeling and opinion of the State upon the mighty issue which we in common with our sister States are called upon to determine. What is that issue? It is the cause of the Constitution! It is the cause of the Union! And the question is, whether, to the eternal shame and disgrace of our day and generation these great legacies that have fallen to us from our ancestors are to be ignominiously abandoned to the vandal hands that are plotting their destruction, or whether they shall be preserved and transmitted, bright and unimpaired, with all their accumulated and ever increasing blessings to those who stand next to us on the line. Our posture before the world is most extraordinary and humiliating. We are fast becoming a prey to ourselves. We have become suddenly convulsed by internal dissensions. The fell spirit of fraternal discord shakes the Republic from center to circumference; and if it prevail until it precipitates us upon civil war, and through civil war accomplishes the inevitable doom of our dissolution, what a strange epitaph will the Genius of History inscribe upon the ruins of our fallen greatness! When some philosophic Gibbon shall come to delineate the cause of our decline and fall, it will be written: "Here was a Republic founded in the principles of wisdom, of liberty and of law. Its literature and arts ennobled and adorned the human mind; its sciences enlarged the bounds of knowledge; its inventions changed and ameliorated the condition of mankind. No external calamity befel it; no foreign conqueror prostrated it; no pestilence or famine ravaged it. But at a moment of unparalleled material prosperity; at a time when its relations with all the world were peaceful and friendly—when the measure of its happiness and renown was full, and when it was rapidly careering onward to the realization of the grandest hopes, it was dismembered and destroyed through the folly, the madness and fanaticism of a degenerate people." When to all this shall be added an exposition of the wicked, accursed policy of the sickly dotard at the Capital, the truth of history will be vindicated.

More than a quarter of a century ago, the seeds of nullification and secession were first sown in the South-

ern mind by Mr. Calhoun. From them has sprung up a upas tree of revolution and disunion that has gradually extended its branches until they have cast their shadows over almost the entire South. The movement has been steadily progressing, exhibiting itself at various times, in various forms, and upon various pretexts, until it has finally acquired organized and formidable power. It has gathered to its support a powerful revolutionary press, men eminent in station and ability, Governors of States, legislative bodies, municipal councils, popular Conventions, members of Congress, heads of Federal Departments; and indubitable facts justify a suspicion at least of the complicity of the chief Executive of the nation. At last the State of South Carolina has repealed her ordinance ratifying the Constitution, has declared the Union dissolved; her Executive has appointed his Cabinet, and with her Palmetto banners unfurled to the breeze, and

"Sonorous metal, blowing martial sounds,"

has declared the power to establish an independent sovereignty. Whether her high pretensions have been acquiesced in by the Federal Government, or by foreign powers, is a fact of which we are yet to be apprised. When our forefathers severed their connection with Great Britain, and declared their independence, "a decent respect for the opinions of mankind" prompted them to publish to the world a specification of the grievances and impositions they had suffered, and which led them to the act. The patriots of South Carolina, if not as justifiable, wise and patriotic as their great ancestors, have imitated their example in this particular at least, and have published to the world a list of the wrongs and abuses they have suffered under the Federal Government, and which have ostensibly impelled them to an attempted disruption of this Union. I propose to make this manifesto the topic of my remarks upon this occasion. Taken together with the resolutions, they present many points of concurrence, and also distinct issues for discussion, so that the remarks I shall make upon the one will bear directly upon the subject under the immediate consideration of the Senate. This State paper is as follows:

"The State of South Carolina, having determined to resume a separate and equal rank among nations, deems it due to herself and the remaining United States of America, and the nations of the world that she should declare the causes that led to the act. In 1765, that portion of the British empire embracing Great Britain undertook to make law for the government of the American colonies. A struggle for the right of self-government ensued, which resulted, on the 4th of July, 1776, in a declaration of the Colonies that they are, and of right ought to be, free and independent States; and that, as free and independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do such other things as independent States have the right to do. They further solemnly declared that, whenever any form of government becomes destructive of these ends, it is the established right of the people to alter and abolish it, and institute a new Government. Deeming that the Government of Great Britain had become destructive of these ends, they declared the Colonies free and absolved from allegiance to the British crown, and the political connection between them and Great Britain was totally dissolved.

"The Committee say the right of a State to govern itself, and the right of the people to abolish a Government when it becomes destructive of the ends for which it was instituted, were expressed when the Colonies separated from the mother country and became free and independent States. The parties amending the Constitution on the 17th of September, 1787, were the several sovereign States.

"On the 23d of May, 1788, South Carolina, by a Convention of her people, assented to the amended Constitution of the United States. The failure of one of the contracting parties to maintain constitutional obligations released the other. Fifteen of the Northern States have deliberately refused for years to fulfill their constitutional obligations. We would refer to those States for a proof of this. When the fourth article of the Constitution was adopted, the greater number of the contracting parties held slaves. The hostility of the Northern States to the institution of slavery had led them to disregard their constitutional obligations. The laws of the General Government have ceased to effect the objects of the Constitution. Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Ohio, Michigan, Wisconsin and Iowa have enacted laws, either nullifying the Constitution, or rendering useless all attempts to execute the Acts of Congress. In many of those States, fugitives "held to service and to labor," have been claimed, but in none of them has the State Government complied with the stipulation on this subject made in the Constitution.

"In the formation of the Federal Government each State was recognized as an equal: the right of property in slaves was recognized by giving all free persons distinct political rights; by giving them the right to representation for three-fifths of their slaves; by authorizing the importation of slaves for twenty years, and by stipulating for the rendition of fugitives from labor. The ends for which this Government was instituted have been defeated, and the Government itself made destructive by the action of the non-slaveholding States. Those States assume the right of deciding upon the propriety of our domestic institutions. They denied the rights of property established in fifteen States and recognized by the Constitution. They have denounced sinful the institution of slavery; have permitted an open establishment of societies whose avowal and object are to disturb the peace and prosperity of the citizens of other States; they have encouraged and assisted thousands of our slaves to leave their homes, and those who remain have been incited by emissaries, by books and pictures to servile insurrection. Twenty-five years this agitation has been steadily increasing, until they have secured the power of the common Government. Observing the forms of the Constitution, a sectional party has found within that article establishing an Executive Department means of subverting the Constitution itself.

"A geographical line has been drawn across the Union, and all States north of that line have united in the elevation of a man to the high office of President of the United States whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common Government, because it is declared that a Government cannot endure permanently half slave and half free, and that the public mind must rest in the belief that slavery is in the course of ultimate extinction. This sectional combination for the subversion of the Constitution has been aided in the States by elevating to citizenship persons who, by the supreme law of the land, are incapable of becoming citizens, and their votes have been used to inaugurate the new policy hostile to the South, and destructive to its peace and safety. On the 4th of March next this party will take possession of the Government. It has been announced that the South shall be excluded from the common territory; that the judicial tribunals will be made sectional; that war must be waged against slavery until it shall cease throughout the United States. The guarantees of the Constitution will then no longer exist—equal rights of the States will be lost—the slaveholding States will no longer have the power of self-government or self-protection, and the Federal Government have become their enemy. Sectional interests and animosity will deepen the irritation, and all hope of remedy is rendered vain by the fact that the public opinion of the North has invested the political error with the sanction of a more erroneous religious belief.

"We, therefore, the people of South Carolina, by our delegates in Convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared the Union heretofore existing between this State and the other States of North America dissolved, and that the State of South Carolina has resumed her position among the nations of the world as a free, sovereign, independent State, with full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do; and for the support of this declaration, with a firm reliance for protection on Divine Providence, we mutually pledge each other our lives, our fortunes and our sacred honor."

This new Declaration of Independence, proceeding upon the exploded doctrine of Mr. Calhoun, that the Consti-

tution is a mere compact, a mere rope of sand in the shape of a contract between the States acting in the capacity of sovereign States, declares that "the failure of one of the contracting parties to maintain constitutional obligations releases the other." The resolutions under consideration contain a distinct denial of this proposition. They assert, what I believe no Senator on this floor will deny, that the great instrument under which we live is a Constitution, in the strictest, highest political sense in which that term can be used; that it is an emoodiment of powers emanating directly from the people, and not from the States; that it is sovereign and supreme within its own sphere; that it imposes direct burdens and obligations upon each individual citizen of the Republic, justly exacting an implicit submission and obedience to all its provisions and requirements. The dangerous heresy of the statesmen of South Carolina, that this Constitution is but a compact to which the States are parties, that a State may judge for itself of infractions committed upon it, and withdraw from the Union at will, is founded upon a misconception of the origin, the nature and character of our Government It is flatly denied by the very terms of the Constitution itself. By whom, according to the language of that instrument, was it created? It says: "We, the people of the United States, in order to form a more perfect Union," etc, "do ordain and establish this Constitution for the United States of America." It does not say: "We, the several sovereign States, do ordain and establish a Constitution." On the contrary, the whole people of the Union, acting in the aggregate, as one, united, collective people, irrespective of State lines, and independent of State Governments, tell us through that instrument that *they* made it. The Government under which we live is thus a popular Government. Made by the whole people, for the whole people, it is responsible only to them, and can be by them alone controlled. Thus created it creates a sovereignty above, beyond, and entirely independent of that of any State. The Constitution expressly declares in Article VI: "This Constitution, and the laws of the United States made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the Supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." This is a plain, unequivocal prohibition upon the exercise of power by the people of a State, not only in the creation or modification of a State Constitution, but in the enactment of State ordinances and laws. It is true the Constitution also declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." But this clause, when reduced to its true meaning, asserts simply, that all sovereignty that has not been vested in the Federal Government by the people of the whole Union, acting in mass, has been reserved to the people, to be exercised by them in separate communities or States, while Article VI., before quoted, shows conclusively that whatever sovereignty is thus left to the people of the States is merely reservary, and though sovereign within its own orbit, is nevertheless, in a certain sense, inferior and subordinate to the absolute and supreme power vested in the Constitution. This was the first great step in the formation of a great, central Government, that was to be one of supreme and absolute dominion and power over the whole Union for the attainment of all the ends essential to our existence and integrity as an independent and powerful nation.

But the founders of the Government, foreseeing that collisions might arise between the Federal and State Governments, between Federal laws and State laws, created a power to which an appeal might be had, and which should authoritatively determine between them in all cases of conflict. They wisely vested that power in the Constitution itself. It declares that the "judicial power shall extend to all cases arising under the Constitution and laws of the United States." "These two provisions," says Mr. Webster, in one of the grandest speeches in the history of eloquence, "cover the whole ground. They are in truth the keystone of the arch. With them, it is a Government; without them, it is a Confederation. In pursuance of these clear and express provisions, Congress established, at its first session, in the Judicial Act, a mode for carrying them into full effect, and bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a Government; it then had the means of self-protection; and but for this, it would, in all probability, have been now among the things which are past. Having constituted the Government, and declared its powers, the people have further said that, since somebody must decide on the extent of those powers, the Government shall itself decide; subject, always, like other popular Governments, to its responsibility to the people"—not to the State It is true, the Constitution provides that it shall be ratified by the Conventions of the States. But this provision by no means makes the Constitution a compact, by the ratification of which the people of one State are brought into the relation of a contracting party with those of the other States. It merely defines the mode in which the people who ordained and established the Constitution declared it should be adopted. They might have prescribed any other mode. The fact that they submitted it for adoption to the Conventions of different States does not deprive it of one single shade of its popular character. Although adopted in this manner, in the contemplation of the Constitution its adoption was as effectually one act of one united people, as if every qualified elector in each of the nine States had congregated in one vast assembly and adopted it by acclamation. It also provides that "Electors to elect a President and Vice President shall be appointed by each State, in the manner in which the Legislature thereof may appoint;" that "the Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof;" that "the House of Representatives shall be composed of members chosen every second year by the people of the several States." Yet the power of a State Legislature thus to appoint Electors and to choose Senators, and of the people of the several States to elect members of the House of Representatives, are not powers that are exercised under and by virtue of any sovereignty in the State Government. The sole authority for the exercise of these powers is found in the Constitution of the United States. These officers are in no sense State officers; they are the officers of the Federal Government, and to that Government are alone responsible. There was a time when the people of the several States were united to each other only by a compact. Such was the precise character of the Articles of Confederation. Many of the powers now exercised by Congress under the Constitution, were conferred by that compact upon the Congress under the Confederation. But it was because that compact was not a Constitution; because it was a mere league between sovereign States; because it had in it no element of power to carry into execution the stipulations contained in it; because it operated only upon sovereign States who might at any time and with impunity have repudiated its obligations, and did not directly affect individuals; in short, because it was no Government; that it was abandoned as a useless and powerless contrivance, and the present Constitution, under which we live, was erected upon its ruins. Our forefathers, keenly alive to the inadequacy of such a form of Government, set themselves to work to devise a new scheme. They searched history, collated and compared systems, and sounded philosophy to its profoundest depths of their own wisdom and the experience of the past they framed this great Constitution, under whose authority we are now here this day. They invested it with the attributes of justice, of liberty and of law. They gave it individuality and power. That Constitution gave to the people of all the States a distinct, collective, political existence among the nations of the earth. It established external relations between itself and foreign powers, and direct domestic relations between itself and its own citizens. Each of its citizens became its subject, owing to it a loyalty and obedience as strict and entire as was ever due from the subjects of any other Government that has ever appeared in the world. Its adoption was unqualified, unconditional, in toto, and for ever. Upon this point we are not without the authority of the very highest to which appeal can be had The State of New York for a long time refused to come into the Union under the Constitution. She persistently insisted, as a condition precedent to her ratification of the instrument, that she was to hold in reserve a right of withdrawing from the

Union within a limited time. In reply to a communication from Mr. Hamilton, upon the subject of such a conditional ratification, Mr. Madison wrote as follows: "I am sorry that your situation obliges you to listen to propositions of the nature you describe. My opinion is, that a reservation of the right to withdraw, if amendments be not decided on under the form of the Constitution, within a certain time, is a conditional ratification; that it does not make New York a member of the new Union, and consequently that she could not be admitted on that plan. Compacts must be reciprocal. This principle would not in such case be preserved. The Constitution requires an adoption *in toto* and forever." Let us remember here in this connection, that this is the language and the authority of one of the framers of the Constitution, that when it was adopted it was adopted forever and forever. [Applause.] Mr Madison's letter continues: "It has been so adopted by the other states—an adoption for a limited time only would be as defective as an adoption of some of the articles only. In short, any condition whatever must vitiate the ratification. What the new Congress, by virtue of the power to admit new States, may be able and disposed to do in such a case, I do not inquire, as I suppose that is not the material point at present. I have not a moment to add more than my fervent wishes for your success and happiness. The idea of reserving a a right to withdraw was started at Richmond, and considered a conditional ratification, which was itself abandoned as worse than a rejection." It seems, then, that this idea of the right of a State to secede from the Union was distinctly under consideration of the founders of the Government, and was discussed by them, and as Mr. Madison says, was abandoned as worse than a rejection.

Mr. Webster, in exposing the fallacy of the doctrine that the Consitution is a mere compact between sovereign States, says: "This leads us to inquire into the origin of this Government and the source of its power. Whose agent is it? Is it the creature of the State Legislatures, or the creature of the people? If the Government of the United States be the agent of the State Governments, then they may control it, provided they can agree in the manner of controlling it. If it be the agent of the people, then the people alone can control it, restrain it, modify or reform it. It is observable enough that the doctrine for which the honorable gentleman contends [alluding to Mr. Hayne], leads him to the necessity of maintaining, not only that this General Government is the creature of the States, but the creature of each of the States severally: so that each may exert for itself the power of determining whether it acts within the limits of its authority. It is the servant of four and twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less), arises from a misconception as to the origin of this Government, and its true character. It is, sir, the people's Constitution, the people's Government, made for the people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition or dispute their authority. The States are unquestionably sovereign, so far as their sovereignty is not affected by this supreme law. But the State Legislatures, as political bodies, however sovereign, are yet not sovereign over the people So far as the people have given power to the General Government, the grant is unquestionably good, and the Government holds of the people, and not of the State Governments."

But this fatal dogma, that the Constitution is a mere compact between the States, and that each State may withdraw from the Union at will, does not belong to South Carolina alone. Unfortunately it has warm adherents in our own midst. Its advocates are zealously at work in moulding public opinion to their views, and they preach treason in the open day. In private circles, on the street side, aye, within the walls of this Capitol. They teach rebellion in their oral discourses and through the public press. I hold in my hands a pamphlet, emanating, as I understand, from an officer high in the State Government. It bears the following title: "Secession and Coercion; the Relation between the Federal and State Governments." It might with much more propriety have been labeled "Treason Made Easy." It bears upon its face the following inscription: "To the Democrats of California, the following pages are dedicated, by one of the oldest and humblest of their party." Its evident design is to commit the Democratic party of California to the doctrine that the Constitution of the United States is a compact between sovereign States; that a State may secede from the Union at will, and that it is unconstitutional and wrong for the General Government to protect its property, to collect its revenue, or enforce its laws. The author claims that these have ever been cardinal points in the great creed of the Democracy; and he attempts to trace them through the Virginia and Kentucky Resolutions of 1798–'99, and the celebrated Report to the Virginia Legislature, to the high paternity of Jefferson and Madison. Let us see how far these claims will bear the test of examination. In the Summer of 1798 (not, as is erroneously stated in the pamphlet, in 1797), under the Administration of the elder Adams, Congress passed certain laws known as the Alien and Sedition Acts. Under their provisions the President might order an alien, under the protection of the State Governments, into banishment. Severe penalties were denounced against those who disobeyed the order, and also upon whomsoever should speak or write disrespectfully of the President. In Virginia and Kentucky the most intense popular excitement and indignation was aroused by these obnoxious enactments, and the resolutions referred to were the direct results of the bitter opposition to these laws in those States. The Virginia Resolutions were drafted by Mr Madison, and introduced into the Virginia Assembly by Mr. John Taylor. Resolution, the third of the series, is as follows:

"That this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable and dangerous exercise of other powers not granted by the said compact, the States, who are the parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties appertaining to them."

In refutation of the views put forward in this pamphlet, I shall endeavor to show that the first clause of this resolution, which asserts "That this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government as resulting from the compact, to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact," is not subject to the construction put upon it by the secessionists; and that the last clause, which asserts "that in case of a deliberate, palpable and dangerous exercise of other powers not granted by the said compact, the States, who are the parties thereto, have the right, and are in duty bound to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties appertaining to them," is not, and never was intended as a declaration of the right of secession, or resistance to the execution of Federal laws The claim set up by this latter-day pamphleteer, has no merit of novelty. It is an old and unsuccessful attempt revived, to give dignity and respectability to old and exploded theories. More than thirty years ago the same claim was made by Calhoun, Hayne, and other leading revolutionists. Mr. Madison, then alive and smarting under their efforts to hang their treasonable designs upon his great name, exposed their sophistries with the clearest demonstration and the most withering rebuke. In a letter addressed to Mr. Everett, in the year 1830, published in the *North American Review*, in speaking of the nature of our Federal Government, Mr. Madison said: "It (the Constitution of the United States) was formed by the States, that is, by the people in each of the States, acting in their highest sovereign capacity, and formed, consequently, by the same authority which formed the State Constitutions. Being thus derived from the same source as the Constitutions of the States, it has within each State the same authority as the Constitution of the

State, and is as much a Constitution, in the strict sense of the term, within its prescribed sphere, as the Constitutions of the States are within their respective spheres, but with this obvious and essential difference, that being a compact among the States in their highest sovereign capacity and constituting the people thereof one people for certain purposes, it cannot be altered or annulled at the will of the States individually, as the Constitution of a State may be at its individual will. Nor is the Government of the United States, created by the Constitution, less a Government, in the strict sense of the term, within the sphere of its powers, than the Governments created by the Constitutions of the States are within their several spheres It is like them (and this is something which we all ought to remember at this time) organized into legislative, executive and judicial departments. It operates directly on persons and things; and, like them, it has at command a physical force for executing the powers committed to it. Between these different constitutional Governments, the one operating in all the States, the others operating separately in each, with the aggregate powers of Government divided between them, it could not escape attention that controversies would arise concerning the boundaries of jurisdiction. That to have left a final decision in such cases to each of the States, could not fail to make the Constitution and laws of the United States different in different States, was obvious; and not less obvious that this diversity of independent decisions must altogether distract the Government of the Union, and speedily put an end to the Union itself. To have made the decision under the authority of the individual States, co-ordinate in all cases, with decisions under the authority of the United States, would unavoidably produce collisions incompatible with the peace of society. To have referred every clashing decision, under the two authorities, for a final decision, to the States, as parties to the Constitution, would be attended with delays, with inconveniences and expenses, amounting to a prohibition of the expedient. To have trusted to negotiation for adjusting disputes between the United States and the State Governments, as between separate and independent State sovereignties, would have lost sight altogether of a Constitution and Government of the Union, and opened a direct road, from a failure of that resort, to the *ultima ratio*, between nations wholly independent of and alien to each other. Although the issue of negotiation might sometimes avoid this extremity, how often would it happen, among so many States, that an unaccommodating spirit in some would render that resource unavailing" Again, in the same year, in a congratulatory letter to Mr. Webster, after he had delivered his great speech against nullification and secession, in reply to Hayne, Mr. Madison says: "I return my thanks for the copy of your late very powerful speech in the United States Senate. It crushes nullification, and must hasten an abandonment of secession. But this dodges the bow by confounding the claim to secede at will, with the right of seceding from intolerable oppression. The former answers itself, being a violation without a cause, of a faith solemnly pledged. The latter is another name only for revolution, about which there is no theoretic controvesy. Its double aspect nevertheless, with the countenance received from certain quarters, is giving it a popular currency here, which may influence the approaching elections both for Congress and for the State Legislatures. It has gained some advantage also by mingling itself with the question, whether the Constitution of the United States was formed by the people, or by the States, now under a theoretic discussion by animated partisans. * * * It is fortunate when disputed theories can be decided by undisputed facts. And here the undisputed fact is, that the Coostitution was made by the people, but as embodied into the several States, who were parties, and therefore made by the States in their highest sovereign capacity. * * * They might by the same authority, and by the same process, have converted the confederacy into a mere league or treaty, or continued it with enlarged or abridged powers, or have embodied the people of their respective States into one people, nation or sovereignty, or as they did by a mixed form, make them one people, nation or sovereignty, for certain purposes, and not so for others. * * * The Constitution of the United States being established by competent authority, by that of the people of the several States who were parties to it, it remains only to inquire what the Constitution is, and here it speaks for itself. It organizes a Government into the usual Legislative, Executive and Judiciary Departments, invests it with specified powers, leaving others to the parties to the Constitution. It makes the Government to operate directly upon the people, places at its command the needful physical means of executing its powers, and finally proclaims its supremacy, and that of the laws made in pursuance of it, over the Constitutions and laws of the States, the power of the Government being exercised, as in other elective and responsible Governments, under the control of its constituents, the people and Legislatures of the States, and subject to the revolutionary rights of the people in extreme cases. * * * * * * Such is the Constitution of the United States *de jure* and *de facto*, and the name, whatever it may be, that may be given to it, can make it nothing more than what it actually is." These letters were written when the poisonous doctrines of nullification and secession were first put forward. Hayne, in his speech in the United States Senate, to which that of Mr. Webster was a reply, had quoted the Virginia Resolutions of 1798, as authority for his views on the nature of our Government. It is fair to presume that Mr. Madison was, at the date of these letters, conscious of the fell purpose to which those resolutions were applied. They certainly were written with a full knowledge of the resolutions and all they contain. They show conclusively that the word "compact," as it appears in the resolutions, was used by him merely as a term, and they rescue it entirely from the odious and false construction sought to be put upon it by the agitators of 1830, and those of the present day. That great and revered patriot, seeing a design to cover under the shadow of his authority theories so utterly destructive of the Government he had helped to found, has left to us his recorded opinion that that Government, by whatever name it may be called; whether a compact between the States, or a Constitution, is a popular Government; that it is supreme over all State Constitutions and laws; and, what above all is more important for us to remember at this time, that "it has the needful physical means of executing its powers."

I come now to my second proposition: That the last clause of the resolution, which asserts that, "in case of a deliberate, palpable and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights and liberties appertaining to them," is not, and was never intended as a declaration of the right of secession or resistance to the Federal laws. Let me here first call the attention of him who would instigate secession to the first words of the clause. Let him be admonished by them and, ere revolution is commenced, let those who would precipitate it be quite sure that they are justified by a case of "deliberate, palpable and dangerous exercise of other powers, not granted by the said compact" But, to return to the resolution: How, in what manner, may a State "interpose for arresting the progress of the evil?" What does this language mean? It cannot be pretended that it was designed as a declaration of the natural right of revolution, in case of intolerable oppression. It's author, and those who passed it, were fresh from the scenes of a long and bloody war, commenced and carried on, on that great principle. It did not require embodiment in a resolution on paper, to keep this principle alive in their hearts. The resolution does not say, in terms, that an offended State may secede from the Union. It does not declare that a State may oppose physical resistance to the execution of a Federal law. What then does it mean, and for what purpose was it designed? Let us look to an ther of Virginia's distinguished sons, who knew Mr. Madison well, for an answer. Mr. Rives, in the course of the great debate to which I have before alluded, said: But, sir, the proceedings of my State, on another occasion of far higher importance, have been so frequently referred to in the course of this debate, as an example to justify the present proceedings of South Carolina, that I may be excused for saying something

of them. What then was the conduct of Virginia in the memorable era of 1798 and 1799? She solemnly protested against the Allen and Sedition Acts, as palpable and alarming infractions of the Constitution. She communicated that protest to the other sister States of the Union, and earnestly appealed to them to unite with her in a like declaration, that this deliberate and solemn expression of the opinion of the States, as parties to the constitutional compact, should have its proper effect on the councils of the nation, in procuring a revision and repeal of the obnoxious Acts. This was the head and front of her offending—no more. The whole object of the proceedings was, by the peaceful force of public opinion, embodied through the organ of the State Legislature, to obtain a repeal of the laws in question, not to oppose or arrest their execution while they remained unrepealed. That this was the true spirit and real purpose of the proceeding is abundantly manifested by the whole of the able debate which took place in the Legislature of the State on the occasion. All the speakers who advocated the resolutions which were finally adopted, distinctly placed them on that legitimate constitutional ground." Now, let us investigate how far Mr. Rives is sustained by the author of the resolutions, and those who passed them, in his interpretation of their proceedings. In a letter to Mr. N. P. Trist, written in 1831, Mr. Madison says: "I cannot see the advantage of south Carolina, in claiming the authority of the Virginia proceedings in 1798–'99, as asserting a right in a single State to nullify an Act of the United States. Where, indeed, is the fairness of attempting to palm on Virginia an intention which is contradicted by such a variety of contradictory proofs, which has at no intervening period received the slightest countenance from her, and which she now with one voice disclaims." Again, in a letter to Joseph C. Cabell, written in the same year, he says: "I know not whence the idea could proceed, that I concurred in the doctrine that, although a State could not nullify a law of the Union, it had a right to secede from the Union. Both spring from the same pois'nous root." In a more recent letter, addressed to Andrew Stevenson he writes: "I have received your communication of the 29th ultimo. It presents the doctrine of nullification and secession in lights that must confound, if not convince their patrons. You have done well in rescuing the proceedings of Virginia, in 1798–9, from the many misconstructions and misapplications of them." One more reference and I am done with quotations, for the present. It will be borne in mind that the party now known as the Democratic party was in 1798–9 denominated the Republican party. The opponents of the resolutions in the Virginia Legislature based their opposition to the passage of the resolutions on the ground that they tended to provoke forcible resistance on the part of the citizens of Virginia to the execution of the Federal laws. John Taylor, who introduced them, vindicated them from any such purpose, and said: "Are the Republicans possessed of fleets and armies? If not, to what can they appeal for defence and support! To nothing except public opinion. If that should be against them, then they must yield." Public opinion was, for a time, against them, and they did yield. The laws remained in force, and were peacefully executed in Virginia. John Callender was there indicted for libel under the Sedition Law, was convicted and imprisoned. The statesmen and patriots of 1798–9 made no hostile resistance to the execution of the law. They made no attempt at nullification. Secession was not in their contemplation. They gave a solemn expression to the public opinion of their own people, and appealed to that of their sister States. They sought their co-operation. They failed, and submitted to defeat like loyal men. And now, are not their proceedings cleared, entirely cleared of the obnoxious imputations attempted to be cast upon them? Does not their contemporaneous history, the subsequent declarations of Mr. Madison, their author, and the language of Mr. Taylor, who moved them, show, beyond doubt or cavil, that their only purpose was to mould public opinion, to influence elections and secure a Congress that would repeal the Acts of which they complained, and thus arrest the progress of the evil within the Union, and in the mode prescribed by the Constitution?

The author of this pamphlet is a Virginian. I reverence his age, I esteem his character, and I admire his talent: but in all kindness, and with the sincerest respect, let me remind him that in their hour of peril, the genius of Virginia has been always true to the Constitution and the Union. [Applause.] Her sons fought, and bled, and died to secure their inestimable blessings to themselves, to us, to our children and our children's children. Her Washington, her Jefferson and her Madison, together with their great compeers, laid the corner stone of the structure, and rounded the beautiful arch. Let me suggest to him who claims a common nativity with the sainted heroes of the Old Dominion, that it would be far better for him, far more in sympathy with the spirit of his patriotic ancestry, if, instead of striving to inveigle us from the faith and practice of his fathers, he would hold up to our imitation their high and bright example. [Applause.]

I have endeavored to demonstrate that the Constitution under which we live created a great, a popular and a powerful Government; that it is supreme over State Constitutions and State laws, and over individuals; that no State over which its authority extends can lawfully resist its authority. I come now to the next proposition of the South Carolina manifesto, that "whenever any form of Government becomes destructive of the ends for which it is established, it is the right of the people to alter or abolish it;" and that which immediately follows, if not expressly, certainly by clear implication from, the whole instrument that our form of government has already become destructive of the great purposes for which it was established, and that therefore the people of South Carolina are justified in repudiating the obligations of the Constitution and attempting to disrupt the Union of these States. All this, I apprehend, is a clear enunciation of the great natural right of revolution. That this right exists, in view of the conditions under which it is here asserted, is indubitably true. Nobody denies it, nobody questions it. It is above all law; it is higher than the Constitution itself. There is no controversy upon this point. South Carolina is now in the attitude of revolution; and the question is, are the causes assigned by her sufficient to justify her high-handed and lawless conduct? Can it be seriously asserted by the secessionists of South Carolina, or by those who sympathize with them, that there is anything in our form of Government destructive of the great ends for which it was established? The framers of our Constitution declared that they ordained and established it in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to themselves and their posterity. Has not a more perfect Union been formed under it? Has not that Union expanded, and advanced to a degree of power and renown scarcely within the range of human contemplation at the time its foundations were laid? Has it not so far secured to us the inestimable blessings of liberty? When, where, in what instance, and in what mode has it ever oppressively and unjustly laid the heavy hand of power upon any citizen of the Republic? What honest claim has ever been presented to this Government that has not met with a prompt recognition and full payment? Has it not dealt justly, kindly and generously with its subjects? We, here in California, what do we not owe to it? Its blood and treasure bought the soil upon which we stand. We owe to it the civilization and happiness by which we are now surrounded. It has given us millions of acres of land. It has expended millions for our fortifications. And if we prove ourselves true to it, what vast and incalculable benefits are yet in store for us! What act of injustice, I ask, has it ever committed against South Carolina? Has it ever, in any manner, trenched upon that pet institution of slavery? What enactment, in the whole history of Federal legislation, touching that institution has not had her assent? The ordinance of 1787, forever excluding slavery from the territory northwest of the Ohio, was it not her act? The Missouri Compromise, was it not her measure? The repeal, was it not to satisfy the South? The Kansas-Nebraska Bill, was it not a demand of the South? Our form of government destructive of its own ends? Sir, this is the thin, false, miserable pretext of treason. [Applause.] It is the false plea of a wicked conspiracy. If this Union shall be overwhelmed in rebellion, it will be because of no defects in our form of government.

It will be because of no inadequacy of means, no insufficiency of power in the Government to preserve itself. If the Constitution of our country shall fail to perpetuate the great ends for which it was established, it will be because a great people will have become regardless of its solemn injunctions, and disobedient to its high behests; it will be because they are not wise enough to appreciate its incalculable value; because they are not patriotic, virtuous and resolute enough to rally around it to guard and protect it when assailed by those who would destroy it; it will be because of the cowardice, the imbecility and wickedness of those who are intrusted with its administration. And, if it has temporarily fallen to the care and management of a bad Administration, who placed it there? Whose pliant and shameless tool has it been? Let South Carolina respond.

Again, it is alleged that the Northern States have not fulfilled constitutional obligations in regard to the rendition of fugitive slaves, and the allegation is true. Under the domination of the Republican party, the Northern State Legislatures have committed rank nullification. They have sought through the instrumentality of State enactments to tear down the Constitution, and render ineffectual the safeguards and guarantees it has given to the South. Treason to the Constitution has been taught in Republican pulpits as one of the lessons of our holy religion. Republican ministers clothed with the livery of heaven to serve the devil, have become the great high priests of sedition and revolution. Republican mobs have resisted the execution of the laws. But in the midst of all these disturbing elements has the Federal Government ever halted, or slackened in its duty? When called upon to put the law in force, when has it failed? I challenge the specification of an instance. There is among Republican members of this Legislature a misapprehension of the real character of these enactments. It is claimed that they are identical with the Habeas Corpus Acts of the Southern States. A reference to them will correct this error. The Personal Liberty Bill of Vermont provides, in section 6, that "Every person who may have been held as a slave, who shall come, or be brought, or be in this State, with or without the consent of his or her master or mistress, or who shall come, or be brought, or be involuntarily, or in any way, in this State, shall be free." This law was passed in 1858. I know not how it may strike Republican minds, but I can construe it into nothing but treason, so far as treason can be committed on paper. The Personal Liberty Bills of all the Northern States affix the penalties of imprisonment and fine upon any police officer who shall assist in the rendition of a fugitive from labor. They also deny the use of their prisons and jails for the detention of these fugitives. In this they are not, perhaps, unconstitutional enactments. But do they not evince a determination on the part of the Republican party to thwart, in every possible manner, the performance by the Federal Government of the solemn obligations it owes to the people of the South? I suppose I shall be responded to by eminent members of that party. I put these laws before them and invite an answer. The resolutions under consideration recommend a repeal of these obnoxious enactments. Republican Governors of Republican States make a like recommendation to their Legislatures. Will not Republican members here join in this act of justice? But how stands South Carolina in regard to these laws? When urged as acts of injustice on the part of the Northern States, the complaint is well founded; but when put forward as a valid cause for secession, it is unfortunate for her that her public servants at the National Capital tell us they attach no importance to them—that they care not even for their repeal. They certainly, then, cannot constitute such an act of intolerable oppression as Mr. Madison tells us can alone justify revolution.

Again, this manifesto says, the North has "pronounced sinful the institution of slavery." The pen that traced this clause of the indictment could not have been guided by the hand of a philosopher. Forgetful of that mysterious tie that exists between the mind, and character, and institutions of a people, and the soil upon which they are formed and developed, it sets down to malice that which springs from an invariable and inexorable law of nature. A New Englander sees nothing in the physical character of the country he inhabits, in the institutions under which he grows up, or in the associations from which he catches his impressions, that admits, or even suggests to him, that such a thing as property in man is right, advantageous or profitable. It is one of his innate ideas that every human being, no matter what his condition, no matter what sun may have shone upon him, is his equal in freedom, at least. He knows nothing of slavery but what he learns from the pulpit, the lecture room, in books, and in newspapers. His religion, the schools of education in which his opinions are cast, teach him that human servitude is wrong. If the prevalence of this sentiment in the North is a wrong upon South Carolina, how does she propose it shall be redressed? Can Federal or State legislation do it? I know of no mode in which it can be done other than by a repeal of the physical laws of geography, of soil, of production, of climate, and of the universal principles that govern the human mind itself. A quiet philosopher may amuse or sadden his thoughts according to the mood in which he observes the total change that is sometimes wrought by the transition of a human being from one set of institutions to another. It is a curious fact that many of the Rhetts and Yanceys of the South were born in the North. The same fanatical element that in the North exhibits itself in crusades against slavery, becomes excited by a Southern sun to revolution in its behalf. There are some interesting matters of history connected with Southern sentiment upon this subject that commend themselves to the serious reflection of those in the South who would make the prevalence of Northern opinion against slavery a cause of revolution. Southern sentiment itself has greatly changed from what it was once on this subject. The word slave was purposely excluded from the Constitution of the United States, at the instance of a southern man, a Southern slaveholder, Mr. Madison, and for no other purpose than that he and the Convention that excluded it did not want that Constitution to recognize such a thing in express terms as property in man. The ordinance of 1787, forever excluding slavery from all the territory ceded by Virginia, northwest of the Ohio river, was passed by the old Congress, under the confederation, while the Convention was in session that framed the Constitution. Many of the members of that Congress were also members of the Convention. The ordinance passed, every Southern member voting for it, and only one vote, from the North, recorded against it. Southern statesmen at that time, and down to a much later period, before the institution became of the great pecuniary profit it now is, viewing it in the calm, cold light of abstract morality, unhesitatingly pronounced it a sin. There cannot be found, in the whole vocabulary of Northern abolitionism, epithets more vituperative than were applied to it by the Southern orators and writers of that day. They pronounced it a scourge, a blast, a mildew, and a curse. My esteemed and chivalric friend, the Senator from Santa Cruz (Mr. Watson), is a native of the great State of Georgia. The charter under which the humane and benevolent Ogeltborp and his associates founded that ancient colony, contained among other provisions, one prohibiting the importation of rum into the colony, and one, the importation of negroes. [Laughter.] Whence this great change in Southern opinion upon this subject? It commenced with the rise of the cotton interest. It was not until slave labor became profitable that its moral aspect changed. The great law of self-interest is the key to the present state of public sentiment at the South. In what age of the world—in what generation of mankind has this great law failed to mould and govern human opinion? Nothing is more observable in the study of this institution than the ease with which Northern men embrace it under the magic influence of profit. The overruling fact of profit soon divests it of all its enormities, and squares it with all our notions of religion, morality and justice. There is not in all the North, I undertake to say, an abolition fanatic, who, if transplanted to the South, could retain his prejudices one single moment without entirely eradicating from his soul his inherent love of the almighty dollar.

The violence of the Northern press is complained of. The press is violent and scurrilous everywhere. There are fools and fanatics South as well as North. Northern journals abuse and vilify the institutions of the South, and, in return, Southern journals revile those of the North. It is to be

deplored that the journalism of the present day could not be restored to the pure style and high tone that prevailed in the days of the *Spectator*, the *Idler* and the *Rambler*. And yet low as is the level to which it often descends, it should not be forgotten that a free press is one of the great bulwarks of a Republic. With all their abuse, who of us that can read, and that takes an interest in current events, can afford to dispense with the modern newspaper? I apprehend that in after times, the fullest and most satisfactory history of the occurrences that are going on around us will be found in the contemporaneous journals of the day. I would impose upon them no restraint, save that of a high, chaste taste and of a rigid responsibility to a law that would be effectual to punish all unjust assaults upon public or private character. Now, is it not going a little too far to say, in view of the opinions that have prevailed in the South until a comparatively recent period, that the expression of sentiment at the North against slavery is such a case of intolerable oppression as justifies South Carolina in an attempt to overturn the Federal Government? They complain that the Northern States have elevated to citizenship persons who, by the supreme law of the land, are incapable of becoming citizens, and that their voices have been used to inaugurate a new policy, hostile to the South and destructive to its peace and safety. I am one of those who believe in the vast superiority of the Anglo-Saxon to the Ethiopian race; and I believe that, wherever and whenever the two are thrown together, the only fit and natural relation between them is that of master and slave. Experience goes to show that all attempts at an amalgamation of the two races so distinct from each other—all efforts to place them on an equality—are productive of no benefit to the one, while they tend directly to debase the other. I deem it a most misguided and pernicious policy on the part of any State to admit negroes to citizenship. But where does South Carolina find her authority for saying that the Northern States have elevated to citizenship persons, who, by the supreme law of the land, are incapable of becoming citizens? Certainly not in the Constitution—not in the Dred Scott case. For while that case does decide that a free negro, whose ancestors were brought to this country and sold as slaves, is not a citizen within the meaning of the Constitution of the United States, it also expressly declares that a State by its laws, passed since the adoption of the Constitution, may put a foreigner, or any other description of person, upon a footing with its own citizens, as to all the rights and privileges enjoyed by them within its dominion and under its laws. So that if it turns out after all that the power of every State to judge of the qualifications of its own citizens is among the residuary powers that were left by those who framed the Constitution to be exercised by the people in the several States; so that if the State of Massachusetts has been so unwise as to admit negroes to citizenship, she has yet usurped no such plain, palpable and dangerous exercises of power as justifies South Carolina in revolution; but has, unwisely, I admit, simply exercised a power in regard to her own citizens, which has been declared by the Supreme Court in the very case that is claimed by the South as being the highest and best authority touching its rights, to be constitutional, and which South Carolina has always exercised as she saw fit. We often hear it said that this Government was made for white men. I wish there was an express provision in the Constitution to that effect, and also another, depriving the States of the power to elevate any but white men to citizenship. But we cannot conceal from ourselves the fact that the Government, if made for white men, was not made by white men alone. At the time of the adoption of the Constitution, in five of the then slaveholding States, free negroes exercised the elective franchise, and voted on the adoption of the Constitution. Down as late as 1830 we find free negroes exercising the elective franchise in the slave State of North Carolina. As late as 1838, in the case of the State vs. Manuel, the Supreme Court of North Carolina held the following language: "Foreigners, until made members of the State," continued aliens. Slaves manumitted here became freemen, and therefore if born within North Carolina are citizens of North Carolina; and all free persons born within the State, are born citizens of the State." And again: "The very Congress which framed our Constitution was chosen by freeholders. That Constitution extended the elective franchise to every free man who had arrived at the age of twenty-one, and paid a public tax; and it is a matter of universal notoriety that under it, free persons, without regard to color, claimed and exercised the franchise, until it was taken from free men of color, a few years since, by our amended Constitution."

I come now to the last grievance specified in this revolutionary manifesto. It is, that, "observing the forms of the Constitution, a sectional party has found within that article establishing an Executive Department means of subverting the Constitution itself" Can any one who calmly surveys the situation of the Republican party to-day, believe this allegation? Although successful in electing a Chief Magistrate of the nation, who can fail to see that the power of the party extends no further than to the stocking of the Federal offices. That party have placed a

> "Barren scepter in their gripe,
> Thence to be wrenched with an unlineal hand,
> No son of theirs succeeding."

It is to-day in the last expiring agonies of death. Its disease is constitutional, compound and mortal. Sewardism, and Greeleyism, and Sumnerism, are preying upon its vitals; and what party ever appeared in the world that could survive the ravages of these poisonous maladies? Where is their power? The Supreme Court is against them; the Senate and House of Representatives are against them. Where is the ground for apprehension and alarm on the part of the Senate? Why, in the North alone, out of 3,426,903 votes, Lincoln only obtained a majority of 248 953, leaving an opposition vote of 1,464 497 against him; and that vote distracted and divided between three different competitors. Who can doubt that if in the last Presidential election this opposition had been united—if it had wielded the power that always springs from cordial and concerted action, Republicanism would have been routed in its own strongholds? This completes the list of causes assigned by South Carolina in justification of a revolution, which, if carried on, will prove itself the most horrible and disastrous the world has ever witnessed. In view of such a terrible remedy, do not these causes alleged by South Carolina become utterly insignificant? Their transparent puerility and falsity, make the solemn appeal to Almighty God for the support of the wicked schemes for which they are made the pretexts, a blasphemy against high heaven. There is no adequate cause for all this turmoil and tumult, either in the action of the Federal Government, or in that of any State of the Union. The stern truth is, that the disaffection of South Carolina to this Union is traceable to the internal structure of her own Government and society. She is tired of Republics. Absolute and consolidated power, thrones, scepters and gilded titles, are far more preferable to her than the simple forms of a Republican Government. Governor Pickens, in his recent message to the Legislature of that State, closes with the following significant remark——

Mr. CRITTENDEN—I would suggest to the Senator from Napa that Alahama and Florida do not claim a separate trial, but abide by the issue, and I will thank the Senator to include them in his remarks.

Mr. EDGERTON—I am ready to try them at any time or at any place. Governor Pickens says: "From our relations to the Northern States, and from the internal structure of society, it is probable that the new Government will be strongly military in its character." If Governor Pickens and his Cabinet, at Charleston, succeed in overturning this Government, and erecting a military despotism upon its ruins, he will soon discover that it is founded upon no stable or lasting foundation, nor will he be invested with the glory that usually surrounds the founder of a new Empire. "This Union is not only the citadel of our liberty, but the depository of the hopes of the human race. He who shall be its destroyer will go down to future ages associated, indeed, with its founder, the Father of his Country, but with a contrasted immortality. No halo of glory will surround his brows, but on his head will gather the hissing curses of all generations, horrible as the snakes of Medusa. He will stand on the highest and blackest eminence of infamy—the detestation of mankind. If he meet not a traitor's death, he will fill a traitor's grave, over which there will be no requiem

but the groans of the oppressed and the execrations of the good. [Applause.] His monument will be of human bones, upon foundations slippery with human blood. However high may have been his elevation, his fall will be like that of Lucifer." And as from his bad eminence he shall turn from beholding the glories of that Constitution and Union against which he has rebelled, to survey the barren waste, the boundless and bottomless pits of secession, he will exclaim, like another Lucifer:

Farewell, happy fields! where joy forever dwells!
Hail horrors! hail infernal world! and thou,
Profoundest hell, receive thy new possessor!

[Applause.]

We frequently hear it said that, if the Southern States are determined to withdraw, it would be the wisest policy to let them go; that, after they are out of the Union, the two sections can negotiate and reconstruct. This is a fatal delusion. Disunion for the sake of Union! This Union once broken up, and, like the missing Pleiad, it will appear no more forever. The difficulties in the way of a peaceful negotiation and settlement of all our difficulties—each section holding the other at arm's length and at defiance—are palpable and insurmountable. How much more palpable is it that the two sections, divided by a geographical line with a view to a separate existence, would be disturbed by interminable broils and border wars? Establish such a line, and in less than thirty days its entire length would bristle with armed men. Can any one for a moment imagine that the various matters of controversy that would arise between the two sections—such as the disposition of the Territories, the distribution of the common property, the apportionment of the public debt, and others not less vexatious and difficult—could be amicably adjusted? If there are any compromises to be made between the North and the South, it can only be done within the Union, and under the restraints which the Constitution and the Union impose alike on all sections of the country.

The resolutions under consideration suggest a compromise, by which the people of California are willing to abide. Its chief feature is Popular Sovereignty—not as it has been illustrated in the Administration of James Buchanan, in Anti-Republican, tyrannical attempts to force upon a free people a frame of government they abhorred and detested; not, as it was exemplified in that worse than felon Act, the English Bill, which, with a bribe in one clause and a menace in the other, proclaimed to a great and free people that if they would deny their American lineage and name—if they would obliterate the memory of their illustrious ancestors—if they would bind their necks to the galling yoke of Lecompton, and sell themselves to infamy and to tyranny—their star of empire should rise to the constellation of the Union; but that if they refused, it should remain beneath the horizon. Nor is it that extreme, narrow and sectional idea of an extreme, narrow and sectional school of politics, which teaches that, unless the people of a Territory establish and foster a particular institution, a higher power than theirs resides in Congress to compel it upon them. These are plants from the hotbed of this Administration, which we would pluck up and destroy. From these crude and shifting theories, I turn to the pure, simple, original, bright, immortal idea of popular sovereignty, as it was revealed by the Deity to the fathers of the Republic; as it found expression in the Declaration of Independence; as it received its growth and perfect development in that grandest, divinest outbirth of the American Revolution, the Constitution of the Union; and as we now propose further to embody it in that great instrument, by a declaration of unmistakable import, that the people of a Territory, like those of a State, while acting in obedience to the high behests of the Constitution, and in the prescribed forms of law, may frame and regulate all their domestic institutions in their own way; and that neither Presidents, nor Cabinets, nor Congresses, nor any other power under God, shall interfere to molest them. Such is the idea of popular sovereignty in these resolutions. But what if the spirit of compromise shall fail? The resolutions pledge the people of California steadfastly to the support of the General Government in the exercise of every constitutional power, to enforce the execution of the Federal laws, and to sustain in all their integrity the Constitution and the Union. Shall we solemnize the pledge by the highest legislative acts? Or, shall we sit quietly by, and peacefully surrender our country, ourselves, our children, our peace and happiness to the wicked schemes of treason? We hear much said of coercing a State, of the tramp of armies to conquer and subdue a State Government. The resolutions contemplate no such purpose. They simply propose that we aid the General Government in defending our common country against a war to be made upon it. Coercion of a State is an adroit form of expression coined by secession to give dignity to treason. The Constitution nowhere contemplates such a thing as war upon a State, neither by the General Government nor by a foreign power. If a foreign nation attacks or invades any State of the Union, it is not in the theory of the Constitution or of international law, an act of war upon that State, but upon our General Government. Nor does the Constitution, operating as it does, only upon individuals, recognize such a thing as war against the Government by a State. It treats resistance to its authority as rebellion, and those who join in such resistance as a mob; and when any number of its own citizens band together for treasonable purposes, and levy war upon the General Government, it holds them individually responsible, and hangs them as traitors to their country. The founders of the Government have told us that it has the needful physical means at its command to execute its powers. History holds up to our view memorable examples of the use of those means for this purpose. Venerable authorities tell us that those means should always be used when the country is in danger. Jackson swore, "By the Eternal, the Union must and shall be preserved!" Clay said:

"But suppose we should be disappointed, and the standard should be raised of open resistance to the Union, the Constitution, and the laws, what is to be done? There can be but one possible answer: the powers, the authority and dignity of the Government ought to be maintained, and resistance put down at every hazard. The moment a daring hand is raised to resist by force the execution of the laws, the duty of enforcing them arises, and, if the conflict which may ensue should lead to civil war, the resisting party, having begun it, will be responsible for all the consequences. * * * * * * * * * *

"I should deplore, as much as any man living or dead, that armies should be raised against the authority of the Union, either by individuals or States. But, after all that has occurred, if any one State, or a portion of the people of any State, choose to place themselves in military array against the Government of the Union, I am for trying the strength of the Government. I am for ascertaining whether we have a Government or not—practical, efficient, capable of maintaining its authority and of upholding the power and interests which belong to a Government. Now, sir, am I to be alarmed or dissuaded from any such course by intimations of spilling of blood? If blood is to be spilled, by whose fault will it be? Upon this supposition I maintain it will be the fault of those who raise the standard of disunion, and endeavor to prostrate the Government. And, sir, when that is done, so long as it pleases God to give me a voice to express my sentiments, and an arm, weak and enfeebled as it may be by age, that voice and that arm will be on the side of my country, for the support of the general authority and for the maintenance of the powers of this Union."

To-day, the counsels of the great dead come up to us from the past like an eloquent exhortation from heaven, urging and encouraging us to the performance of our duty. Am I to be told here, in this Senate, amid the garnered talent, courage, and patriotism of the State, that the timid policy of a masterly inactivity should rule the hour? That treason shall stalk through the land, not only unpunished, but unrebuked? Is the great heart of California dead? Shall we prove ourselves pigmies when the times demand men? Mr. President and Senators, you may defeat the resolutions, but if you do, go home and tell your constituents that in the hour of your country's greatest extremity she called upon you and you were not to be found. Tell them that the grim spectres of secession arose before you, and that you quailed and cowered before them. Tell them that you drank at the filth-pools that Buchanan has dug out by the great highway of Democracy, until you were torpid from insensibility and nerveless

from fear. [Applause.] But I look for a higher and nobler result from the proceedings of this day. Let us forget for a time the divisions of party, and join hands upon the common ground of a broad and elevated patriotism Let our motto be, ' The Constitution and the Union!" May they be preserved forever and forever! May the great principles of liberty and of law upon which they are based, brighten and extend until their radiant sound shall have encircled the earth. Let us not be frightened from our duty by the horrors of civil war, nor fascinated from it by the delusive dream of a Pacific Republic. Let the voice of California go forth to-day, in tones that shall thrill to the farthest verge of the republic, proclaiming that her patriotic sons have pledged to their country their lives, their fortunes and their sacred honor. Let us so act in the great crisis that is now upon us "that when we come to be gathered to the dust in which our fathers are laid, we may say to our sons and our grandsons 'if we did not amass, we have not squandered your inheritance of glory.'" [Great applause.]

STATE OF THE UNION.

SPEECH

OF

HON. HENRY EDGERTON,

OF NAPA,

ON THE

Resolutions upon the State of the Union,

DELIVERED IN THE

SENATE OF THE STATE OF CALIFORNIA,

Thursday, February 14th, 1861,

IN REPLY TO HON. H. I. THORNTON,

[REPORTED BY W. M. CUTTER.]

SACRAMENTO:
1861.

SPEECH.

. The Resolutions upon the state of the Union being before the Senate for consideration—

Mr. EDGERTON said—

Mr. PRESIDENT.—The frequent allusions which have been made to me in the course of this debate, will afford me an ample apology, I trust, for again trespassing on the attention of the Senate. Coming, as we do, sir, from every State in the Confederacy; representing, as we do, every hostile element that now, upon a distant theatre, mingles in direful, threatening strife; engaged, as we have been, in free, unchecked interchange of thought and opinion, upon topics that appeal directly to so many local interests, to so many local passions and affections—it cannot but be to us a matter of just congratulation, that our deliberations have been conducted in the utmost friendliness of feeling, and with the most excellent good temper. Nor, sir, is this circumstance without a wholesome and an important lesson to us. For it does teach, that however alienated and estranged we may become when separated from each other by parallels of latitude, however embittered against each other we may become, under the hateful influence of sectional fanaticism, yet, after all, when we assemble together, and consider our affairs in the calm light of reason and in a spirit of conciliation and justice, we soon discover that we are one people, having a common lineage, a common country, a unity of interests, and a unity of hopes.

In opening the debate upon the resolutions now under consideration, it occurred to me that much might, with propriety be said upon the origin, the nature, and the character of our Government. It seemed to me, sir, that we could not well determine upon secession and nullification, now asserted as constitutional rights, without first determining what that Constitution, under which it is claimed these rights may be exercised, is; without first ascertaining, with all possible accuracy and precision, what is the scope of its powers; what are the duties, burdens, and obligations it imposes; and upon whom and what they are imposed—whether, (as the honorable Senator from Sierra has told us), upon the people of *States*, in their sovereign, independent, corporate capacity, or whether directly upon individuals and things. Animated by these considerations, sir, I submitted to the Senate, at some length, and with some minuteness of detail, the opinions I entertained upon these topics. I fortified them with what of logic I could bring to bear, and with what of authority I had at my command. The Senator from Mariposa, (Merritt)—I regret that I do not see him in his seat this morning—deemed my observations, on that occasion, worthy of reply. He, however, as it seemed to me, most cavalierly and superciliously disposed of this portion of my remarks, by saying:

"I do not propose to myself the cheap labor of collecting the ideas of the great statesmen who have preceded us. I do not propose to array the various arguments which the exhaustive intellects of the last three-quarters of a century have accumulated upon the subject of the origin and character of our political system, and the relative rights of the Federal and State Governments."

And again, further on in his speech, by saying:

"If the Senator, [Edgerton] had confined himself to the discussion of the question of Secession, as a Constitutional or as an arbitrary right under our system of Government, we might have acknowledged our obligations to him for repeating to us the arguments with which we are all familiar; and most of us would have admitted the justness of his views."

Sir, in my judgment, the Senator greatly underrates the value of these topics in this discussion. One of the resolutions under consideration—the only one of the series that has excited that Senator's opposition—expressly declares a distinct theory of our Government; a theory that directly negatives the right of secession and nullification.

These topics become important, sir, from another point of view. The apologists of the South, both there and here, in this Senate, in the other wing of the Capitol, and through the public press, expressly admit and justify the conduct of the seceding States, by the right of secession and nullification as *Constitutional* rights. And that Senator [Merritt] will pardon me for another remark, made in no unkind spirit towards him, I assure him: that, however profound he may be upon these various topics, tho costive reserve and unbroken silence *he* has maintained upon them throughout his entire speech, furnish us with no evidence of any familiarity with them, on his part. As between the honorable Senators from Mariposa and Sierra and myself, this whole controversy turns upon these topics. Neither of them denies that the attitudo of the seceding States, as toward the General Government, is that of revolution, neither of them attempted to justify it except upon the inalienable right of revolution, and the rights of secession and nullification. And while the speech of the Senator from Mariposa [Merritt] does, by the clearest implication, admit, that of the Senator from Sierra expressly *declares*, that there is no cause for *revolution*. Hence, sir, as between those two Senators and myself, I say this whole controversy must turn upon the logical solution of these two questions of secession and nullification.

The honorable Senator from Sierra, in a speech, bold, masterly, and ingenious; abounding in strains of impassioned eloquence, replete with a beauty as sweet and pleasing as the stanzas of a poem, and yet compact and massive as the granite, has given a promiuent place to these topics. More than this, sir, by the magic of his ingenious skill, by the seductions of his splendid rhetoric, he has wrought secession and nullification—hideous in their native deformity—into shapes that please, dazzle, and attract us. More than that, sir. When I heard that speech; as I saw its splendid surroundings; as I saw prominent, celebrated, eminent

political characters around that gentleman, (Thornton,) drinking in every thought that he uttered, as the sweetest music: taking it in connection with the declaration of the honorable Senator from El Dorado, (Crittendeu), that he, too, rose in his place and spoke for thirty thousand men, I was compelled to believe that the honorable Senator from Sierra was announcing doctrines that were about to become leading and cardinal tenets of *an administration* party, once powerful in this State, now in the stages of rapid dissolution, as I believe, and soon to become extinct forever, I hope. [Applause.]

Sir, if the positions I insist upon are tenable, then the Constitution under which we live creates a great, powerful, and central Government; a Government to which each individual citizen in the whole United States, owes direct obedience and allegiance; a Government that is clothed with power to preserve itself, and to protect itself against attack, external or domestic, and with power to execute *all* its laws. If, on the contrary, the propositions which the honorable Senator from Sierra contends for, are tenable, then, instead of such a Government, we have a poor, puny, halt, and impotent compact; and nothing can excite our wonder more, than that, instead of withstanding the rude shocks of seventy years, it has not, long ere this, lodged on the shores of time, a stranded wreck, I invite that Senator to retrace with me his footsteps over the ground he has so majestically traveled.

First, then: What is this Constitution? I apprehend, sir, that this is a subject which has to be mainly argued from what appears on the face of the instrument itself. Prior, however, to entering upon this examination, I desire to call the attention of the Senate to a brief view of the history which preceded the formation of the Constitution.

No sooner, sir, had the Colonists severed, or determined to sever, their connection with the mother country, than they saw at once the absolute necessity for the exercise of associated power. Benjamin Franklin, then in London, in 1773, I believe, first foreshadowed the idea of a Continental Congress, to be composed of an assemblage of the Representatives of the different Colonies, for the purposes of a more perfect union, and for the further purpose of a United Government. To use his own language:

"As the strength of an empire, depends, not only upon the union of its parts, but on their readiness for united exertion of their common force."

The House of Burgesses, of Virginia, first carried this notion into practical execution. They instructed their Committee of local correspondence, to communicate with the similar Committees of the other Colonies; and the result was, that a Congress of the delegated Representatives of the different Colonies assembled at Philadelphia, in 1774. The honorable Senator, (Thornton), has called our attention to the Declaration of Independence, which was passed by the Revolutionary Congress in 1776. He tells us that it was an act by which the people of the *States*, as separate, independent sovereignties, declared the Independence of each *State*. Do I state the honorable Senator aright?

Mr. THORNTON—Declared the independence of each *State*, by name and enumeration.

Mr. EDGERTON—By name and enumeration! Now, sir, that is not my view of that act. I infer from what appears upon the face of the Declaration itself; from the purposes for which it was proclaimed to the world; from the mode in which it was enacted, and from the authorities to which I shall refer, that it was the *joint* act of all the *people* of the United Colonies—that it was not a declaration by each State, of its own independence, as claimed by the honorable Senator [Mr. Thornton,] but a united expression, emanating from all of the people of the Colonies, collectively, declaring the independence of each; and I think it furnishes a key to the interpretation of the instrument under which we now live. I desire to call the attention of the Senate to a little authority on this subject, and I would state here, sir, that the authorities I shall use, mainly come from below Mason and Dixon's line.

Chief Justice Story says, upon this act:

"But the declaration of the independence of the Colonies was the *united* act of all. It was 'a declaration by the Representatives of the United States of America, in Congress assembled;' 'by the delegates appointed by the good people of the Colonies,' as in a prior declaration of right they were called. *It was not an act done by the State Governments then organized; nor by persons chosen by them.* It was emphatically the act of the *whole people of the United Colonies*, by the instrumentality of their Representatives, chosen for that, among other purposes. It was an act not competent to the State Governments, or any of them, as organized under their charters, to adopt.

These charters neither contemplated the case nor provided for it. It was an act of original, inherent sovereignty, by the people themselves, resulting from their right to change the form of government, and to institute a new government, whenever necessary for their safety and happiness. So the Declaration of Independence treats it. No state had presumed, of itself, to form a new government, or to provide for the exigencies of the times, without consulting Congress on the subject; and when they acted, 'it was in pursuance of the recommendation of Congress.'

It was, therefore, the achievement of the whole for the benefit of the whole. The people of the United Colonies made the United Colonies free and independent States, and absolved them from allegiance to the British Crown. The Declaration of Independence has accordingly always been treated as an act of paramount and sovereign authority, complete and perfect *per se*, and *ipse facto*, working an entire dissolution of all political connection with, and allegiance to, Great Britain; and this, not merely as a practical fact, but in a legal and constitutional view of the matter, by courts of justice."

I now call the Senator's (Thornton) attention to an authority which, I have no doubt, will meet with his respect, if not with his assent. I allude to Charles Pinckney, of South Carolina, one of the framers of the Constitution. He says, in reference to the Declaration:

"This admirable manifesto (i. e., the Declaration of Independence) *sufficiently refutes the doctrine of the individual sovereignty and independence of the several States.* In that Declaration the several States are not even enumerated; but after reciting, in nervous language and with convincing arguments, our right to independence, and the tyranny which compelled us to arrest it, the Declaration is made in the following words: 'We therefore, the Representatives of the United States, &c., do, in the name, &c., of the good people of these Colonies, solemnly publish, &c., that these United Colonies are, and of right ought to be, free and independent States.' *The separate independence and individual sovereignty of the several States were never thought of by the enlightened band of patriots who framed this declaration.* The several States are not even mentioned by name in any part, *as if it was intended to impress the maxim on America, that our freedom and independence arose from our union, and that without it we could never be free or independent.* Let us then consider all attempts to weaken this Union *by maintaining that each State is separately and individually independent, as a species of political heresy, which can never benefit us, but may bring on us the most serious distresses.*"

Mr. THORNTON—If the Senator will allow me. The Senator perceives that the Declaration of Independence itself declares these "free and independent *States*."

Mr. EDGERTON—Precisely. That I concede. But I say that that act of declaration was the united act of *all* the *people*; and that each State did not become through that declaration, independent, by virtue of its individual and several declaration, but by the *joint* declaration of *all* the *people* together, represented in that Congress. Do I make myself clear?

Mr. THORNTON—You make my view so much the stronger. Not only did those States declare themselves severally independent, but that independence was declared for them severally by all the other States.

That fortifies the declaration of each State in its own behalf.

Mr. EDGERTON—That is matter of argument. I submit that portion of my remarks to the judgment of the Senate. Now then, sir, the Revolutionary Government which prevailed under the Continental Congress, thus called, was attended with the most serious difficulties. The authors of it soon discovered its sad deficiencies. It had no chief executive officers; it had no fundamental law; it had no control over individuals; it did not apply to things. There was no tribunal, for instance, by which questions of prize could be determined. The Congress could not levy taxes, directly, on the people. They could not establish imposts. And then it was that they adopted what are called the Articles of Confederation—a written instrument, defining certain powers vested in Congress by the several States uniting under it. That instrument, as it appears on the face of the document, was a a compact, league, a confederation, a contract—if you so choose to call it—between the States. Under it, the Congress had power to make treaties with foreign powers; and—among the enumerated powers—could emit bills of credit, and make requisitions upon the several States for troops and money. And here I call the Senator's attention to the fact that that instrument did operate directly on States in their corporate capacity; that, under it, the Congress had power to require States, for general, national purposes, to furnish quotas of arms, money, &c.

But, sir, that, too, was found to be inefficient. States were refractory; States were delinquent. Congress made treaties, and States refused to observe them. Congress issued its requisitions under those Articles of Confederation, and the refractory States, held them at arms length, and refused to comply. Commerce decayed; every element of prosperity languished. They were unable to execute any of the purposes for which the Articles of Confederation were established; and they bade an affectionate adieu to this compact, this league this confederation, and established the Government under which we now live.

Now, sir, from this brief review of history, I draw these inferences:

First—That the Colonists did, at an early day, feel the absolute necessity for an exercise of associated power.

Second—That power was thus associated; that it passed through successive stages of centralization and consolidation, until it became converted from the Revolutionary Government which I have described, into a grand, central, consolidated power, under the Constitution—as I shall now attempt to demonstrate.

Now, sir, as I said before, what this Constitution *is*, must, perhaps, be principally argued from what appears upon its face. I open the book, and the first words that strike me are: "We, the people of the United States." The honorable Senator (Thornton,) with a theatrical air, tells me that this is "a miserable subterfuge." Sir, in my judgment, it is a key, the first key we find to the interpretation of the whole instrument. Now, then, let me state his proposition once more, for the purpose of accurate reasoning. The Senator says, that this Constitution is a Constitutional compact; or, that it is a contract between the people of the *States*, in their separate, corporate capacity. Do I state the Senator aright?

Mr. THORNTON—It is a Constitution of the people of the *States*.

Mr. EDGERTON—Precisely. Again, he says, it is a mere accredited agency of the people of the *States*. The construction put upon these words, "We, the people, &c.," drives the honorable Senator to the necessity of assuming that there were originally but nine parties to the Constitution, or, as he is pleased to denominate it, the "Constitutional Compact," and that these nine parties were the people of the States, acting together, in their seperate, sovereign, corporate capacity, as a unit, because he says that at the time of the ratification, there were nine parties to the ratification; those parties being the people of the nine States, in their several corporate capacities, as independent sovereigns. Now, I apprehend those words mean an entirely different thing, and I now call the attention of the honorable Senator to a little authority upon this subject. I find in the State of Virginia, at the time this Constitution was submitted to the Convention of that State, for ratification, a violent opposition to it; an opposition led by the fiery eloquence and declamation of Patrick Henry; and I find him making this declaration, in the first stages of their proceedings:

"That this is a *Consolidated Government* is demonstrably clear; and the danger of such a Government is, to my mind, very striking. I have the highest veneration for those gentlemen (meaning the gentlemen who framed the Constitution); but, sir, give me leave to demand, What right had they to say, *We, the people?* My political curiosity, exclusive of my anxious solicitude for the public welfare, leads me to ask, Who authorized them to speak the language of *We, the people*, instead of, *We, the States?* States are the characteristics and the soul of a confederation. If the States be not the agents of this compact, it must be one great, consolidated, National Government, *of the people of all the States.*"

Again, Mr. Henry, at a subsequent stage of the debate, says—and I read the reference now, for the purpose of keeping his declarations together:

"The fate of this question and of America may depend on this. Have they said *We, the States? Have they made a proposal of a compact between States?* If they had, this would be a confederation. It is otherwise most clearly a *Consolidated Government.* The question turns, sir, on that poor little thing—the expression, *We, the people*, instead of the *States* of America."

Now, then, let us see what was said in reply to him. Mr. Nicholas said, speaking of Mr. Henry's remarks:

"But he objects to the expression, 'We, the people,' and demands the reason why they had not said, 'We, the United States of America.' In my opinion, the expression is highly proper: it is submitted to the people, because *on them it is to operate;* till adopted, it is but a dead letter, and not binding on any one; when adopted, it becomes binding on the people who adopt it. It is proper on another account. We are under great obligations to the Federal Convention, for recurring to the people, the source of all power."

I hope the Senator, while I am reading these extracts, will keep in mind his distinction—which I will come to in a moment—between the people of the States, and State Governments.

Again, Mr. Corbin says;

"The introductory expression of 'We, the people,' has been thought improper by the honorable gentleman. I expected no such objection as this. Ought not the *people*, sir, to judge of that government whereby they are to be ruled? We are, sir, deliberating on a question of great consequence to the *people of America*, and to the world in general."

But, sir, I will call the Senator's attention to authority of a later date.

Mr. THORNTON—I wish, Mr. President, to inquire of the Senator just here, if all that reasoning was not answered and overturned by the action of the Virginia Convention itself, when it demanded, in its ratification, clauses to be appended to the Constitution as amendments, which reserved all the undelegated powers, in the language of the amendments themselves, "to the States?"

Mr. EDGERTON—No, sir. I will come to that proposition further along in my argument. But I now call the honorable Senator's attention to the authority of the Supreme Court of the United States, in the Dred Scott case. [19 Howard, page 404.] I suppose, sir, this opinion is entitled to, and I suppose it enjoys, the

respect of the honorable Senator from Sierra. I presume he has held it up to the people of his section of the country as the grand pillar of all the rights which he ever did claim, or expects to claim, for the Southern people. Now, sir, they have given a direct judicial interpretation to this expression, "We, the people." And they not only tell us—(and I call the attention of the Senate to this point)—what the words "We, the people," mean, but what kind of a people we had become, in a governmental sense, by the force of that expression. The Court say:

"The words 'people of the United States,' and 'citizens,' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives. They are what we familiarly call the 'sovereign people,' and *every citizen is one of this people, and a constituent member of this sovereignty.*

I call the honorable Senator's attention to the last expression, which negatives his whole theory. Because, if his theory is true, it is the people of the States in a corporate capacity, as one people, as a unit, that forms a *constituent element* in the sovereignty. If my position is true, however, and if the Constitution *does* operate directly upon individuals, and upon things, it is the *individual citizen himself* who is the constituent element of the sovereignty; not the people of a State in a corporate capacity, forming one people. Chief Justice Taney, announcing the decision of the majority of the Court, says:

"They are what we familiarly call the 'sovereign people,' *and every citizen is one of this people*, and a *constituent member of this sovereignty.*"

I commend that decision to the honorable Senator's study and consideration.

Mr. THORNTON—Will the gentleman pass me the volume?

Mr. EDGERTON—So much for the subject of "We, the people." Here I call the attention of the Senate to the language of the old articles of confederation, in contradistinction to this expression, "We, the people," etc., in the Constitution. Now, sir, it is true, that if the honorable Senator's theory is correct, it makes out of this Government nothing more than a confederation, nothing more than a league. If his theory is true, this Government is nothing more than it was before the Constitution was formed. That was Mr. Calhoun's position—(I presume the gentleman [Thornton] will assent to it now)—that the Government under which we now live is a league; that, being formed by independent States—that is, by the people of each State as a unit; there being nine parties to it, as States—therefore, as a consequence, it must result that it is a league, a confederation, a compact, as it is called—

Mr. THORNTON—(interrupting)—A constitutional compact.

Mr. EDGERTON—That is a point I will come to by-and by.

Mr. THORNTON—It is very different from the old confederation.

Mr. EDGERTON—I agree with the honorable Senator entirely on this point. Now, let us recur to the articles of confederation, which did establish a league, and observe its language. It says:

"Articles of confederation and perpetual union between the *States of New Hampshire, Massachusetts Bay, Rhode Island, etc.*" (enumerating them by name.)

That was the language of compact. It was the language of compact between the States, as States. But how vastly different is the language which first appears in this preamble; "We, the people." I say that the substitution of the words "We, the people," for "We, the States," does show conclusively, to my mind, that the framers of the Constitution understood, and those who adopted it understood, that they were inaugurating an entirely new system—such a system as had never before appeared in the world. That they were substituting for a form of Government—

Mr. THORNTON—I dislike very much to interrupt the gentleman, and the attention of the Senate.

Mr. EDGERTON—I am very glad to have the Senator do so.

Mr. THORNTON—I do so, because I would like to travel with the Senator in his discussion. He has read from Mr. Justice Taney's opinion in the Dred Scott case. Now, for a more explicit interpretation of the phrase, "We, the people," I wish to read another section from the very same.

"The brief preamble sets forth by whom it was formed, for what purpose, and for whose benefit and protection. It declares that it is formed by the people of the United States: that is to say, by those who were members of the different political communities in the several States."

Mr. EDGERTON—That is my view.

Mr. THORNTON—That is an explicit declaration by Chief Justice Taney himself.

Mr. EDGERTON—(reading)—"The preamble sets forth by whom it was formed, for what purpose, and for whose benefit and protection. It declares that it is formed by the people of the United States; that is to say, by those who were members of the different political communities in the several States."

That is what I say, too. They were all members of the different political communities, but the Constitution regarded them as members of another great unity, extending over the whole when it was adopted; as is clearly shown by the portion of the Dred Scott decision which I have quoted. We must take the whole opinion together; and the Court *does* say that every citizen is one of this people, and is a constituent member of this sovereignty. Well now, "constituent members of the sovereignty" must mean something. If the gentleman's theory is correct, that it is the people of a State as one people, as a unit, that is a member of that sovereignty, it cannot mean each individual in the United States. Therefore I say the true interpretation of the opinion *does* negative his theory. So much, sir, for the words "We, the people."

But the gentleman says this is a "constitutional compact." Let me remind him that, in the discussion of grave questions of constitutional law, words are things. We must ascertain the precise value of each term we use, and weigh its meaning with the utmost exactness, in order to arrive at satisfactory results. The words "constitutional compact" nowhere occur in the Constitution. He cannot find the qualifying adjective "*constitutional*," anywhere in that instrument. He cannot find the word "compact" in the document but once. It appears in section 3, article 1, where it is expressly declared that "no State shall ever enter into a 'compact' with another State without the consent of Congress." In ordinary legal parlance we say of a law, compact, or contract, that it is constitutional or unconstitutional; that is, that it is valid or invalid, accordingly as it is in harmony or conflict with that organic, fundamental, paramount, written law, to which, under our form of government, all legislation and all business transactions are subordinate. And it is only by reference to this "higher law" that the word "constitutional," as applied to an act of legislation, or to a compact, or contract, either between States or individuals, has any definite force or meaning. It must be quite evident that the term is grossly misapplied by the honorable Senator (Thornton) when he prefixes it to the instrument under discussion; first, because that instrument was itself ordained and established as an organic,

fundamental and supreme law of the land, to which every enactment, both of the Federal and State Legislatures, and every compact or contract, either between States or individuals, must be subject; and secondly, because there is no other law above this instrument to which it can be referred, and its "constitutionality" determined. Now I ask the honorable Senator when he brings together these words, "constitutional compact," what force the adjective "constitutional" has there, as applied to compact? Who ever, as Webster once said in reply to Calhoun, heard of a constitutional compact? of a constitutional league? of a constitutional confederacy? Sir, the gentleman has interpolated words into that instrument that are nowhere to be found in it. He has to drag down nouns and substantives from their dignity and force, and convert them into mere miserable adjectives, to carry out his theory. He may call this verbal criticism and verbal subterfuge, but I tell him it is not. Taken in connection with the words "ordain and establish," those pungent, nervous, all-meaning Anglo-Saxon words that appear in the preamble, I say it is a legitimate criticism, and it crushes his theory into the dust. Who ever heard of ordaining, establishing a league? Who ever heard of establishing, ordaining a confederacy? But, sir, when you come to talk about organic, fundamental laws, about an overruling, supreme system of government, then the words that appear in that preamble are harmonious, forcible, and easily explained.

Again, the gentleman says it is a "contract;" using that word as entirely synonymous with the word "compact." Now, what is a contract? The honorable Senator is a lawyer of learning and experience. He will agree with me, that the best accredited definition of a contract is, that it is an agreement between two or more persons, upon consideration, to perform, or to abstain from performing, a certain act. Contracts generally set out the names of the parties, generally disclose what is to be done by one party, and what is to be done by the other party as an equivalent. I now ask the gentleman to show me anything on the face of this instrument itself, to indicate the language of a contract. I pause for a reply.

Mr. THORNTON—I refer the gentleman to the only section in Art. 7 of the Constitution. It reads:

"The ratification of the Conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same."

Mr. EDGERTON—Is that all? That, Mr. President, is somewhat in advance of my argument here; but when I come to it I will recur to it in this connection. That is *all* there is. Now I undertake to say that that does not mean, and there is not, in the whole range of that instrument, anything indicating, that it is a contract; but that it is an instrument that speaks in authoritative language; in language of injunction; that it is an instrument which says to the people, North, South, East, and West, you *shall* do so and so; that it is mandatory and declaratory; and that there is nothing in it, which brings the people of the different *States* into the relation of contracting parties.

Now then, let us see further about this matter of the Constitution being a contract between sovereign States, which, as is well understood, was charged, at the time the Constitution was under consideration, in the different Conventions. I call the honorable Senator's attention to the proceedings in the Convention of the State of Pennsylvania, held for the purpose of adopting and ratifying this Constitution. That was the first State, I believe, in which such a Convention was held. Mr. Wilson, a delegate to the Convention which framed this Constitution, and a member of the Pennsylvania Convention which met to ratify it, says:

"We were told, some days ago, by the honorable gentleman from Westmoreland, (Mr, Findley,) when speaking of this system and its objects, 'that the Convention, no doubt, thought they were forming a compact, or contract, of the greatest importance.' Sir, I confess I was much surprised, at so late a stage of the debate, to hear such principles maintained. It was a matter of surprise to see the great leading principle of this system still so very much misunderstood. 'The Convention, no doubt, thought they were forming a *contract!*' I cannot answer for what every member thought; but I believe it cannot be said that they thought they were making a contract, because *I cannot discover the least trace of a compact in that system.* There can be no compact unless there are more parties than one. It is a new doctrine that one can make a compact with himself. 'The Convention were forming compacts!' With whom? I know no bargains that were made there. I am unable to conceive who the parties could be. The State governments make a bargain with one another; that is the doctrine that is endeavored to be established by gentlemen in opposition—that State sovereignties wish to be represented! But far other were the ideas of the Convention, and far other are those conveyed in the system itself.

As this subject has been often mentioned, and as often misunderstood, it may not be improper to take some further notice of it. This, Mr. President, *is not a Government founded upon compact;* it is founded upon the *power of the people.* They express in their name and their authority—'*We the people do ordain and establish,*' etc.; from their ratification alone it is to take its constitutional authenticity; without that, it is no more than *tabula rasa.*

I know very well all the commonplace rant of State Sovereignties, and that Government is founded in original compact. If that position was examined, it will be found not to accede very well with the true principles of free Government. *It does not suit the language or genius of the system before us.* I think it does not accord with experience, so far as I have been able to obtain information from history."

Mr. Wilson, again, says—and I call the Senator's attention to this, particularly—:

"I have already shown that this system is not a compact, or contract; the system itself tells you what it is; it is an *ordinance* and *establishment* of the *people.* I think that the force of the introduction to the work must by this time have been felt. It is not an unmeaning flourish. The expressions declare, in a practical manner, the principle of this Constitution. It is *ordained* and *established by the people themselves;* and we, who give our votes for it, are merely the proxies of our constituents. We sign it as their attorneys, and, *as to ourselves, we agree to it as individuals.*"

Mr. Wilson does not tell us that the people of the great State of Pennsylvania agreed to the Constitution, as a unit; as a party to a compact in their collective, corporate capacity, as one people.

Mr. THORNTON—He (Wilson) was one of the signers of the Constitution, was he not?

Mr. EDGERTON—Yes.

Mr. THORNTON—With reference to the last sentence uttered in the Constitution, here is the declaration relative to the Constitution:

"Done in Convention, by the representatives of the *States* present."

Mr. EDGERTON—Here is a verbal misunderstanding between the honorable Senator and myself. He is talking about *States.* We have got to look into the declarations of the delegates, and see what they meant.

Mr. THORNTON—This is a declaration.

Mr. EDGERTON—And what I have read is a solemn declaration of Mr. Wilson, relative to the charge that the Constitution was a compact, a compact between States, stating that it has none of the features of such an instrument; that, as the Constitution, the fundamental, organic law, it spoke to the people of the *whole* United States in mandatory language, commanding them to do, and not to do. And there is nothing I apprehend, in the whole history of the instrument, in the whole range of everything Mr. Wilson ever said or wrote, tending to the belief or the assumption that, by that ratification clause in the Constitution, it was designed to be a compact, a contract between the people of the *States.*

But again, the gentleman tells us that this Constitu-

tion is a mere accredited agent. I ask him again, to tell me, from the face of the instrument, what there is showing that it is an agency. I pause for a reply.

Mr. THORNTON—I stated, Mr. President,—and it is the position which I assume—that the States, as parties, went together and accredited this Government as an agency for carrying out certain specific powers which were delegated and enumerated. So far as finding, in the instrument itself a declaration of this nature, is concerned, I have referred the gentleman to Art. 7. I also refer him to the history of its foundation, to show the same thing. Then I say, look at the instrument itself, and you see throughout that it is but a mere agency of the States for the purpose of carrying into effect certain granted powers. And then, having shown that it so exists, that it so stands separate from the States, ordained by them for those specific purposes, I ask him to show on the face of the instrument itself, or anywhere about it, anything to make it appear that it is anything else but such a governmental agent.

Mr. EDGERTON—I asked the honorable Senator to show me on the face of the instrument itself, that it is, to use his own language, "a mere created agency of the people of the States"—and he replies by referring me to the history of the formation of the Constitution, and by asking me to show to him, how it is not such an agency. It is right here that he falls into his first, fundamental error. It lies in a confusion of the Constitution, itself, with the mode it has provided for administering the Government created by it. The Constitution is the organic, fundamental law, sovereign and supreme throughout the land. It creates a Government. And the only thing I can discover in it, partaking of the character of an agency, is the administration of the powers it confers, by the officers whom it appoints for this purpose.

In one breath the honorable Senator tells us that the Constitution is a "constitutional compact" a mere "contract" between "Sovereign States." In another, that it is a mere "created agency between Sovereign States." Does he not instantly perceive into what a strange jumbling of terms and of ideas he is brought? A "constitutional contract" is one thing; and an agency, is another, and an entirely different thing. I leave it to the honorable Senator's ingenuity to reconcile the two, and make them synonomous, when used as terms for the purpose of construing our Constitution.

Mr. THORNTON—As this is perhaps a starting point, I wish to be understood. What I mean to say, is this: That the States went together, as parties, and formed a contract. That they wrote the Constitution, which was the articles of contract. That that Constitution established a confederated, a general Government, with certain powers, which it, as the agent of all the States, was intended and expected to carry out.

Mr. EDGERTON—Very well. Now again. The gentleman, with a great deal of confidence, referred us to the opinion of Chief Justice Marshall. He cited to our attention, the case of Jonathan Robbins. It is true Chief Justice Marshall did give utterance to the sentiments which the gentleman attributed to him. But Mr. Marshall was then a representative in Congress; a representative from the State of Virginia. He was speaking upon a subject about which his constituents were inflamed to the very highest pitch. He was speaking, sir, as a politician, about the powers of the Supreme Court, under the Constitution. Years afterwards, when Mr. Marshall occupied the very highest position, perhaps, under our Government, next to the Presidency, he had occasion to examine this Constitution and to render a judicial decision on the very question, now pending between the honorable Senator and myself, as to whether it was a compact or a Constitution; as to whether it was a compact between the people of the *States*. Now then, I appeal from Marshall the prejudiced politician, to Marshall the solemn, sober and serious Judge.

In the case of M'Culloch *vs.* The State of Maryland, which arose in 1819, the very question as to whether the Constitution was a compact between States, or not, arose before the Supreme Court of the United States. I wish, however, here to use as authority in substantiation of the views I entertain, an opinion of Mr. Pinckney of Maryland; a gentleman who I presume the honorable Senator from Sierra will concur with me in saying, was one of the most profound constitutional lawyers of any age or country, and one of the brightest ornaments of the American Bar. He says, on this subject:

"This question depended both on authority and on principle. No topics to illustrate it could be drawn from the confederation, since the present Constitution was as different from that, as light from darkness. The former was a mere federative league; an alliance offensive and defensive between the States, such as there had been many examples of in the history of the world. It had no power of coercion but by arms. Its radical vice, and that which the new Constitution was intended to reform, was *legislation upon Sovereign States in their corporate capacity*. But the *Constitution acts directly on the people*, by means of powers communicated directly *from the people. No State, in its corporate capacity*, ratified it; [I call the gentleman's attention to this, as he has mine to the ratifying clause in the Constitution.] but it was proposed for adoption to popular Conventions. It springs from the people, precisely as the State Constitutions spring from the people, and acts on them in a similar manner. *It was adopted by them in the geographical sections into which the country is divided.* The federal powers are just as sovereign as those of the States. *The State Sovereignties are not the authors of the Constitution of the United States.* They are preceding in point of time, to the national sovereignty, *but they are postponed to it in point of supremacy, by the will of the people.* The means of giving efficacy to the sovereign authorities vested by the people in the national Government, are those adapted to the end; fitted to promote, and having a natural relation and connection with, the objects of that Government. The Constitution, by which these authorities, and the means of executing them, are given, and the laws made in pursuance of it, are declared to be the supreme law of the land; and they would have been such, without the insertion of this declaratory clause."

Now let us see what Chief Justice Marshall says in determining the case. And I will here state, that the question directly at issue, was: Whether a law of the State of Maryland, in conflict with an Act of Congress declared to be constitutional, was of any binding force? And the further question, distinctly brought to issue before the court, was: Whether the Constitution of the United States was a compact between Sovereign States? as it is now declared to be by the honorable Senator from Sierra. And I wish that Senator to keep in mind, when we come to talk about the powers of the Supreme Court, that in this instance the Supreme Court gave the law to a Sovereign State, and *negatived a State law*; for the Court declared the law of Maryland null, of no force and void; and it fell to the ground. Chief Justice Marshall took this ground:

"In the case now to be determined, the defendant, a Sovereign State, denies the obligation of a law enacted by the legislature of the Union, and the plaintiff, on his part contests the validity of an Act which has been passed by the legislature of that State. The Constitution of our country, in its most interesting and vital parts, is to be considered; the conflicting powers of the Government of the Union and of its members, as marked in that Constitution, are to be discussed; and an opinion given, which may essentially influence the great operations of the Government. * * * * * *
In discussing this question, the counsel for the State of Maryland have deemed it of some importance, in the construction of the Constitution, to consider that instrument not as emanating from the people; but as the act of sovereign and independent States. The powers of the general Government, it has been truly said, are delegated by the States, who alone are truly sovereign; and must be exercised in subordination to the States, who alone possess supreme dominion.

It would be difficult to sustain this proposition. The Con

vention which framed the Constitution was indeed elected by the State Legislatures. But the instrument, when it came from their hands, was a mere proposal, without obligation, or pretensions to it. It was reported to the then existing Congress of the United States, with a request that it might 'be submitted to a Convention of Delegates, chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification.' This mode of proceedings was adopted; and by the Convention, by Congress, and by the State Legislatures, the instrument was submitted to the people. They acted upon it in the only manner in which they can act safely, effectively, and wisely, on such a subject, by assembling in Convention. It is true, they assembled in their several States—and where else should they have assembled? No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass. Of consequence, when they act, they act in their States. But the measures they adopt do not, on that account, cease to be the measures of the people themselves, or become the measures of the State Governments."

I call the honorable Senator's attention particularly to this case. And I do not wish to slur over any portion of the opinion. He (Marshall) enunciates one proposition, to wit:

"No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass."

Which, taken independently by itself, might, perhaps, give countenance to the theory asserted by the honorable Senator from Sierra (Thornton.) But, taken together with the rest of the opinion, it is clearly manifest that he (Marshall) used this language precisely in accordance with the views of Mr. Pinckney, and in a geographical sense.

Now, sir, when the Chief Justice tell us that this Constitution was not a compact between the people of the States in their separate, sovereign capacity, I suppose, taking that declaration in connection with the rest of the opinion, that he must mean that its ratification, as provided for in the Constitution, was simply a mode adopted for the purposes of convenience, etc.

In one portion of the speech of the gentleman from Sierra, he says:

"I differ with the gentleman (Edgerton) in considering this Government to represent the people."

He (Thornton) says the government does not represent the people.

Mr. THORNTON—Excuse me. I never said the Government did not represent the people.

Mr. EDGERTON—If the gentleman said what he did not intend or mean—

Mr. THORNTON—(interrupting)—I never uttered the expression. And differing with the gentleman, in the most respectful manner, I never did declare that the Constitution was not the act of the people of the States. I differed with that part of the gentleman's speech, where he said it was the act of the people, irrespective of State lines. And, from the beginning to the end, the main point in my whole argument is, that it is the act of the people of the separate States. I never assumed any other position.

Mr. EDGERTON—The gentleman will have no trouble with me about technicalities. He proved himself above them, and I shall try to do the same thing. But what I urge, is so. Here it is:

"It has been proved true by the history of the world, that we have to guard jealously this thing of power. We have to throw around it all the guards which can be conceived by the ingenuity of man, and even then, when let alone, we find it has been, as in the instance cited by the gentleman, making constant, silent, often violent usurpations of power; first beginning with a claim and afterwards making a declaration. *This leads me to say that I differ with the gentleman in considering this Government to represent the people.*"—[*Union Report*]

Mr. THORNTON—In their collective capacity.

Mr. EDGERTON—That qualification is not added. The honorable Senator cannot differ with me substantially, as to my statement of his proposition; for his whole theory drives him to the necessity of asserting that the Constitution represents the people of a State in their collective corporate capacity, as a unit; while I, in antagonism to this position, maintain that it represents each individual citizen of the Republic. I understand what the Senator means in the quotation I have read from his speech.

Mr. THORNTON—In the heat of debate I may have let fall some such expression as that attributed to me. But I was then contending for the rights of the people of the States, and saying that they should be guarded and protected from usurpations of power.

Mr. EDGERTON—The gentleman speaks of the people of each State as one people, as a unity. I maintain that, by "constituent members of the sovereignty," is meant each citizen in the United States. I maintain that the Government is not the representative of the people of the States as so many unities, thereby making, at the time of the ratification of the Constitution, only nine parties to it; but that it is, on the contrary, the representative of each individual citizen in the Union, and that each individual citizen in the Union is a party to the contract, as the honorable Senator is pleased to denominate the Constitution, so far as the word "contract" can be used, as equivalent to the word "establishing," or the words "agreed to." Now then, here is Chief Justice Marshall's opinion:

"If any one proposition could command the universal assent of mankind, we might expect it would be this—that the Government of the Union, though limited in its powers, is supreme within its sphere of action. This would seem to result necessarily from its nature. *It is the Government of all; its powers are delegated by all; it represents all, and acts for all.* Though any one State may be willing to control its operations, no State is willing to allow others to control them. The nation, on those subjects on which it can act, must necessarily bind its component parts. But this question is not left to mere reason: the people have, in express terms, decided it, by saying, 'this Constitution, and the laws of the United States, which shall be made in pursuance thereof, shall be the supreme law of the land,' and by requiring that the members of the State Legislatures, and the officers of the executive and judicial departments of the States, shall take the oath of fidelity to it.

"The Government of the United States, then, though limited in its powers, is supreme; and its laws, when made in pursuance of the Constitution, form the supreme law of the land, 'anything in the Constitution or laws of any State to the contrary notwithstanding.'"

Right here, I desire to ask the Senator a question. He tells us, with a good deal of circumlocution, in one portion of his remarks, that the Constitution of the United States is "supreme within its own sphere." I ask the Senator what he means by the word "sphere?"

Mr. THORNTON—I mean, sir, the exercise of its valid powers: in the exercise of those powers which are given to it. So far it is supreme, certainly.

Mr. EDGERTON—The gentleman tells me that its "sphere" is "the exercise of valid power." Well now, sir, I undertake to say that the exercise of powers is one thing, and the sphere wherein those powers are to be exercised another thing. And I apprehend it must be apparent to the mind of any man, who takes Chief Justice Marshall as authority, that the sphere wherein those powers are to be exercised, as the Constitution is framed, encircles every State in the Union. The exercise of the powers is one thing, and the place wherein those powers are to be exercised—which is meant by the word "sphere"—is, in the language of the authority, the United States. *That*, it is plain, is *throughout* the United States. As the Supreme Court of the United States says, in the case of Dred Scott, "that sphere is the dominion of the United States;" and, "the Constitution of the United States is equal and uniform in its operations throughout all the States."

That is the only meaning which occurs to my mind as a rational one of that word, "sphere."

Further upon this subject. I call the honorable Senator's attention to the Dred Scott case once more. I say, and my theory drives me to this, that the Constitution, by its ratification, made the people of the Union one people. It made them a unity The gentleman's proposition drives *him* to the necessity of asserting, that it makes nine *States*, nine *people*, and nine parties to the Constitution. Now, the Supreme Court say, through Chief Justice Taney:

"But it must be remembered that, at that time, there was no Government of the United States in existence with enumerated and limited powers; what was then called the United States, were thirteen separate, sovereign, independent States, which had entered into a league or confederation for their mutual protection and advantage, and the Congress of the United States was composed of the representatives of these separate sovereignties, meeting together as equals, to discuss and decide on certain measures which the States, by the Articles of Confederation, had agreed to submit to their decision. But this Confederation had none of the attributes of sovereignty in legislative, executive, or judicial powers, It was little more than a Congress of ambassadors, authorized to represent separate nations, in matters in which they had a common concern."

Now let us see about the new system which supplanted that one.

Chief Justice Taney proceeds:

"They were about to dissolve this federative Union, and to surrender a portion of their independent sovereignty to a new Government; which, for certain purposes, would *make the people of the several States one people*, and which was to be supreme and controlling within its sphere of action throughout the United States."

And again, he says:

"The principle upon which our Governments rest, and upon which alone they continue to exist, is the union of States, sovereign and independent within their own limits, in their internal and domestic concerns, and *bound together as one people by a General Government*, possessing certain enumerated and restricted powers, delegated to it by the people of the several States, and exercising supreme authority within the scope of the powers granted to it, throughout the dominion of the United States."

That is the opinion of the Supreme Court, in the case of Dred Scott.

But, the gentleman contends, the Constitution is not perpetual! He says there is nothing in the instrument equivalent to the word, "perpetual." There is nothing there, he says, that indicates that it was the purpose of its framers that it should endure forever and forever. Now, sir, I assert as matter of national law—Burlimaquy and Grotius so tell us—that every Government is, in theory, perpetual; it is supposed that it is to endure forever; and it cannot be overturned, except by consent or by revolution. I cite the authority of Webster upon this subject. He says:

"The Constitution, sir, regards itself as perpetual and immortal. It seeks to establish a union among the people of the States, which shall last through all time. Or, if the common fate of things human must be expected, at some period, to happen to it, yet that catastrophe is not anticipated."

I call the honorable Senator's attention again to the language of the Constitution on this point. The Constitution says expressly, that its framers "ordained and established it for themselves, and *for their posterity.*" Where, sir, was this line of posterity to stop? Is it to stop here, at the mandate of South Carolina? Is the line to be cut off here? I say that those words, "and their posterity," indicate that it was intended to be perpetual. And further, sir, that the clause providing for amendments to the Constitution, providing that it might be so changed and altered as to meet the exigencies of the people of the United States, at any future time, shows most conclusively that they *did* design and suppose, independent of the general theory of law upon this subject, that it was to be perpetual; that their posterity would always prove true to it; that they would protect it and preserve it through storm, through weal and through woe. But, sir, we have contemporary history and authority upon this subject. Mr. Madison tells us that the idea of the adoption of this instrument for a limited time, was started at Richmond before its ratification; and that it was abandoned as even worse than a rejection. He (Madison) declares in his letter to Mr. Hamilton—which I cited in my former remarks—that the adoption of that instrument by any State, was an adoption *in toto and forever.* Can there be any doubt about it? With all due deference to the honorable Senator, I must say that this position of his argument hardly arose to the dignity of cavil.

Mr. THORNTON—With the gentleman's permission, I would state that that clause evidently means that the Constitution shall exist while it performs its functions. Neither Mr. Madison, nor any authority which he has cited, nor any distinguished statesman, would hold that the people of a State should be bound to the car of a despotism—should this Government become one.

Mr. EDGERTON—The gentleman's proposition carries us back to the great inherent right of revolution, which I will travel over with him in a little while.

Mr. President, the Senator, in his remarks, whilst giving utterance to what I regard as most fatal heresies, pointed to yon portrait, (Washington) I thought I could see it frown upon him with cruel admonition and rebuke, while he was giving expression to those doctrines. I fancied I beheld the inanimate figure start from the canvass into life—the face radiant, the eyes sparkling, the lips moving, and again giving utterance to what, full sixty years ago, he said to the American people:

"*The unity of Government which constitutes you one people*, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad; of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is very easy to foresee that from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth—as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should properly estimate the value of your National Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immoveable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; *discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned;* and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts."

And further to add, that the heresies which the Senator (Thornton,) does now profess and here declare, are the "insidious domestic enemies" against that Constitution and that Union which he was admonishing his people forever to love, cherish, protect and preserve. [Applause.]

Mr. President, there is another authority which I will quote. It is from a different stand-point. It is the authority of, perhaps, one of the greatest political writers of modern times: that of a philosopher, who has studied American institutions dispassionately, without having his views warped by the influence of either of the theories for which the honorable Senator and myself are now contending. De Toequeville tells us that,

"In America the subject of the Union are not States, but private citizens. The National Government levies a tax, not upon the State of Massachusetts, but upon each inhabitant of Massachusetts. All former confederate Governments presided over communities, but that of the Union *rules individuals;*

force is not borrowed, but self derived; and it is served by its own civil and military officers, by its own army, and its own courts of justice. It cannot be doubted that the spirit of the nation, the passions of the multitude, and provincial prejudices of each State, tend singularly to diminish the authority of a Federal authority thus constituted, and to facilitate the means of resistance to its mandates; but the comparative weakness of a restricted sovereignty is an evil inherent in the Federal system. In America, each State has fewer opportunities of resistance, and fewer temptations to non-compliance; nor can such a design be put in execution, (if indeed it be entertained,) without *an open violation of the laws of the Union, a direct interruption of the ordinary course of justice, and a bold declaration of revolt:* in a word, without a decisive step, which men hesitate to adopt."

I have thus attempted, sir, from what appears on the face of the instrument itself, from a cursory glance at the history of its formation, and from ample authority—and authority of the very highest kind—to demonstrate that the Government framed and formed by the Constitution is a central Government; that it is a consolidated Government; that it is a Government which extends over every State, and over every individual, as an individual, in this Union.

I now come to my next proposition, which was assailed by the honorable Senator from Sierra,—that the founders of our Government created a tribunal that was to decide upon the exercise of power by the Federal and State Governments, under the Constitution, and upon controversies between States, &c.

I maintain that the Supreme Court of the United States is a tribunal clothed with power, and established for the express purpose of interpreting the powers vested in Government under the Constitution; that it is the right and the duty of that Court, to determine upon the exercise of power by the General Government itself; that it is vested with the power, to pass a direct negative, so as entirely to annul the force and effect of a State law; that it was established for the purpose of giving uniformity to the law, in cases arising under the Constitution throughout the United States; and that every State Legislature, and every State Judicial Tribunal in the land, must, under the Constitution, yield to it; that such has been the practice of the Government from its earliest foundation.

The Constitution provides, in article III:

"Section 2—The judicial power shall extend to all cases, in law and equity, arising under this Constitution; the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, and other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States claiming lands under grants of different States—and between a State, or the citizens thereof, and foreign States, citizens or subjects."

Now, I ask the Senator to state to me any matter of controversy pending between two States, that may not assume the form of a suit at law, or in equity, and be brought before the Supreme Court of the United States for final adjudication.

Mr. THORNTON—When I was debating this question before, Mr. President, it was my intention to have discussed fully the latter portion of the clause which the gentleman (Edgerton,) has read—that portion of it which refers to the parties in a suit. For instance, it says, "controversies between States;" and, "controversies between a State and the General Government," also, I believe. But the gentleman prevented my going into that examination, by making the explicit statement that it was understood that no cases could be decided by that tribunal, except those of law and equity.

Mr. EDGERTON—I say that now.

Mr. THORNTON (continuing)—I wanted to have the gentleman on the subject. Now, I say that this last enumeration refers, not to the subject matter in controversy, but to the mere parties to the controversy: and there has to be jurisdiction both of the subject matter and of the parties. And I say that it is impossible for the United States to be a party to a controversy, unless she pleases. She has the making of the laws; the establishing of the cases in which she will consent to be sued. Then, if you give to the Government this power of saying in what cases she will be sued, you bring it back to the power of becoming a Federal despotism, by excluding cases where it might have committed wrong, and where States might wish redress against it. I state further to the gentleman, that I do not believe that political cases—and that is what I read from Chief Justice Marshall, to show—cases of a purely political character arising between the States, can be brought before this Supreme Tribunal. The gentleman says that Chief Justice Marshall, in a subsequent decision, changed that opinion. Now, sir, it is well known that after Chief Justice Marshall, a man of great intellect and a pure patriot, came into the exercise of authority upon the Federal Bench, he disclosed the natural infirmity of leaning towards power, and of taking as much as he could into the hands of the General Government. I think, therefore, that the declaration of Justice Marshall, made in his early life, is the best law of the case.

Mr. EDGERTON—Here is what the Senator (Thornton) said on a former occasion:

"You will find in certain clauses of the Constitution that the exercise of certain powers is prohibited by the States themselves, in their compact, to themselves, but nowhere appears the prohibition of the exercise of this inherent sovereignty, nowhere. *The States reserved it to themselves. They are the final and only judges.*"

Now, that is the point I wish to bring to the honorable Senator's attention—that, when a State has a controversy with individual citizens, or when she has a controversy with another State, or with the Government of the United States, under his theory, the State itself is the final arbiter. Very well. The Senator goes on to say:

"They have established no tribunal to settle the conflicts between themselves and their creatures about the holding of power. The gentleman (Edgerton) at one portion of his arguments attempted to establish the position that the Supreme Court was the judge. I assert that there is no such judge established."

That brings the point at issue clearly and distinctly out. Now, then, I maintain that, unless you disregard the Constitution and appeal to violence; unless you refer the settlement of these controversies to arms, there is no subject of dispute that can arise between these different parties, that may not assume the form of a suit at law or in equity, and be peaceable adjusted by the Supreme Court; and I maintain further that that was the design of the framers of the Constitution; that they constituted that tribunal for that purpose; and history shows that they passed the power to negative State laws, from the Congress—as evidenced to us by the instance the gentleman (Thornton) cites—to the Supreme Court. And I call the attention of the Senate to the easy and convenient manner in which the honorable Senator gets rid of all the great authorities I cite. I appeal to Chief Justice Marshall. He uses him as authority at one time, but when I use him he is not good authority. He suddenly becomes a great, overgrown usurper.

Mr. THORNTON—Federalist.

Mr. EDGERTON—Federalist! That is a very easy way of getting rid of him. Now, I say, discard his opinions altogether, or take them all.

Mr. THORNTON—When Chief Justice Marshall changed his party and went from Jeffersonian to Federalism, his opinions changed.

Mr. EDGERTON—This debate is running on at

some length; and I cannot stop to discuss Chief Justice Marshall's Federalism. If the gentleman wishes to discuss any distinct proposition, springing from the subject under consideration, I shall cheerfully yield the floor to him.

Mr. THORNTON—Certainly. I will cite a case which has been cited before. Suppose the Senate of the United States, having power, under the Constitution to determine on who shall be its members, should refuse to the sovereign State of Massachusetts her representation of two Senators on the floor of that body! Suppose the United States Senate should eject them from the Federal capitol; and go on to impose on that State, by Federal enactment, the burdens of the Government! Now, it cannot be brought before the Supreme Court of the United States, by *mandamus* or any other judicial power; and how is the case to be heard?

Mr. EDGERTON—I will come to that in a subsequent portion of my remarks. Now, sir, the gentleman has called our attention to three different plans which were submitted to the Convention which framed the Constitution, for the purpose of forming a Government for these United States—Colonies at that time. He (Thornton) calls our attention to the fact that each of those plans provided for a negative upon State laws, to be exercised by Congress under the Constitution which was to be framed. He tells us those projects were defeated; and he argues from that, that therefore there was no such power, no such authority, constituted under the Government. I call his attention to the history of those different plans, and of the formation of the Constitution; and I assert that it was the understanding of the framers of the Constitution, the understanding of all those who advocated its adoption, and the understanding of all those who opposed it, that that power *was* placed in the General Government by that instrument. It was adopted with that understanding, and opposed with that understanding. I now call the gentleman's attention to the authority of Luther Martin, a delegate from Maryland to the Convention which framed the Constitution; who opposed its ratification by that State; who went home to his constituents, and advised them, in Convention, to reject the Constitution, because that power was vested in the Supreme Court, under it:

"By the *third article*, the judicial power of the United States is vested in *one Supreme Court*, and in such *inferior courts* as the Congress may, from time to time, ordain or establish. These Courts, and those only, will have a right to decide upon the laws of the United States, and all questions arising upon their construction, and in a judicial manner, to carry those laws into execution, to which the Courts, both superior and inferior, of the respective States, and their judges and other magistrates, are rendered incompetent. To the Courts of the General Government are also *confined* all cases, in law or equity, arising under the proposed Constitution and treaties made under the authority of the United States—all cases affecting ambassadors, other public ministers and consuls—all cases of admiralty and maritime jurisdiction—all controversies to which the United States are a party—all controversies between two or more States—between citizens of the same State claiming lands under grants of different States; and between a State or the citizens thereof, and foreign States, citizens or subjects.

Whether, therefore, any laws or *regulation* of the Congress, any act of *its President or other officers*, are contrary to, or not warranted by, the Constitution, rests only with the judges, who are appointed by Congress to determine; by whose determinations *every State must be bound*. Should any question arise between a *foreign consul* and any of the citizens of the United States, however remote from the seat of empire, it is to be heard before the Judiciary of the General Government, and in the first instance, to be heard in the Supreme Court, however inconvenient to the parties, and however trifling the subject of dispute."

I wish to add to this the cotemporary authority of Charles Pinckney. I have not it here, but I assert the fact, that Charles Pinckney went home to his constituents in South Carolina, and represented the existence of this same power under the Constitution; telling them in plain terms that it was a substitute for the various negatives upon State laws which were proposed in the Convention to be vested in Congress—one of which he had provided for in his plan. Now let us keep clearly in view what the gentleman (Thornton) says on this point. He says in case of controversies, in case of conflict, a State has a right, by virtue of its inherent sovereignty, to determine, and is itself the final arbiter. He makes prolific use of Mr. Madison's authority to sustain his position. Well, sir, it is my habit to respect Mr. Madison's opinions. I believe he was a great man. But I hardly think the gentleman from Sierra can dispose of the *weight* of his authority by saying that when he became an old man he weakened in intellect; that he was then swept away by popular passion and prejudice, and fell into the old current of Federalism, to which party he formerly belonged. Sir, the genius of Madison was of that cast which clarifies, enlarges, and strengthens, with increasing age; which becomes brighter and brighter, and stronger and stronger, until it passes from the mists and vapors here below to the brightness of the perfect day. [Applause.] Mr. Madison says, on this very topic:

"It is true, that in controversies relating to the boundary between the two jurisdictions, the tribunal which is ultimately to decide, is to be established under the general Government. But this does not change the principle of the case. The decision is to be impartially made, according to the rules of the Constitution; and all the usual and most effectual precautions are taken to secure this impartiality. Some such tribunal is clearly essential to prevent an appeal to the sword and a dissolution of the compact; and that it ought to be established under the general, rather than under the local Governments; or, to speak more properly, that it could be safely established under the first alone, is a position not likely to be combatted."

One more authority upon this subject, and I am through on the theoretical part. In number 80, of the *Federalist*, speaking of the Supreme Court, and the powers which are enumerated in the Constitution and conferred on that tribunal, it is said:

"The first point depends upon this obvious consideration that there ought always to be a constitutional method of giving efficacy to constitutional provisions. What, for instance, would avail restrictions on the authority of the State Legislatures, without some constitutional mode of enforcing the observance of them? The States, by the plan of the Convention, are prohibited from doing a variety of things; some of which are incompatible with the interests of the Union; others, with the principles of good Government. The imposition of duties on imported articles, and the emission of paper money, are specimens of each kind. No man of sense will believe that such prohibitions will be scrupulously regarded without some effectual power in the Government to restrain or correct the infractions of them. This power must either be a direct negative on the State laws, or an authority in the Federal Courts to overrule such as might be in manifest contravention of the articles of Union. There is no third course that I can imagine. The latter appears to have been thought by the Convention preferable to the former, and, I presume, will be most agreeable to the States."

I will again refer to DeTocqueville, on this point. Speaking of our Government and its formation, he says:

"The attributes of the Federal Government, were, therefore, carefully enumerated, and all that was not included among them was declared to constitute a part of the privileges of the several Governments of the States. Thus the Government of the States remained the rule, and that of the confederation became the exception.

But as it was foreseen, that, in practice, questions might arise as to the exact limits of this exceptional authority, and that it would be dangerous to submit these questions to the decision of the ordinary courts of justice, established in the States by the States themselves, a high Federal Court was erected, which was destined, among other functions, to maintain the balance of power which had been established by the Constitution between the two rival Governments."

It was the opinion of Mr. Webster that the Government of the United States possesses the authority of final decision, in all questions of disputed power, both by necessary implication and by express grant. I read from his celebrated reply to Mr. Calhoun:

"It will not be denied, sir, that this authority belongs to all Governments—they all exercise it from necessity, and as a consequence of the exercise of other powers. The State Governments themselves possess it, except in that class of questions which may arise between them and the General Government, and in regard to which they have surrendered it, as well by the nature of the case as by clear constitutional provisions. In other and ordinary cases, whether a particular law be in conformity to the Constitution of the State is a question which the State Legislature or State Judiciary must determine. We all know that these questions arise daily in the State governments, and are decided by those governments; and I know no government which does not exercise a similar power."

Now, sir, as to this matter of a controversy between States. I will illustrate my views by examples. The gentleman (Thornton) probably recollects that a few years ago—I believe as far back as 1844—the State of Iowa exercised jurisdiction, judicial and political jurisdiction and power, over a strip of territory some ten miles in width and two hundred miles in length, bordering on Missouri and Iowa. He (Thornton) recollects very well that that jurisdiction was contested by the State of Missouri; that it was insisted on by that State, that that territory belonged to Missouri. Now, sir, how did they settle that controversy? Why, according to the gentleman's theory, Missouri had a right to throw herself back on her inherent, independent sovereignty. She had a right, according to his theory, to subject the matter to the dread arbitrament of the sword. But what *did* she do? Filed her bill in the Supreme Court of the United States against the State of Iowa. And the case was settled finally in that way. Now there is one instance where we find the Supreme Court of the United States giving final decision to a controversy between two sovereign, independent States.

Again. We find another instance, as far back as the Dartmouth College case; a case which has been rendered immortal in forensic history by the dialectic power and eloquence of a Webster. We find the great and sovereign State of New Hampshire passing a law affecting contracts. The case was decided in the Courts of New Hampshire. Mark, now! In this case we have not alone the legislative enactment, the act of sovereignty by the State of New Hampshire; but we have in addition to that, fortifying, strengthening and confirming it, the judicial act of the Courts of New Hampshire, affirming that law to be a constitutional and valid one. The case was taken to the Supreme Court of the United States by a writ of error. We all know the State law was overruled, and the State of New Hampshire submitted to the decision. Now, I say, there is an illustration of the exercise of jurisdiction by the Supreme Court of the United States over a State law; showing that they did directly overrule, set aside and destroy the force and effect of a law of a State Legislature; and that that was just as effectually done by the act of the Supreme Court, as it could possibly have been done by the negatives which were proposed by Governor Randolph and others in the Convention which formed the Constitution.

Again. The case which I cited a while ago, decided, on the authority of Chief Justice Marshall, the invalidity of a law of the State of Maryland. The Supreme Court there nullified that law; declared it to be unconstitutional; set it aside; and nobody ever claimed anything more under that act. It fell to the ground; just as any other State law passed in any of the States, in opposition to the Constitution of the United States would fall to the ground, so long as the Constitutional power of the Supreme Court is not overturned by revolution.

I think I have illustrated this case fully. We have the theory on our side. We have the necessity for such a tribunal on our side. We have the practice of the Government on our side. One other point I wish to illustrate. If this power had been reserved to the States, what a beautiful jumble we would have been in for the last seventy years. Suppose these cases of controversy were determined by the States. Congress passes a law which is observed and enforced in South Carolina. In Vermont the Courts declare it unconstitutional. *There*, it is not respected. The Legislature and the Supreme Court of Virginia say a certain law in reference to collecting taxes and laying imposts in a particular way, is unconstitutional. In Ohio they tell you it is not. Now, what a contrariety of decisions we would have. What collisions would ensue. What difficulty in the administration of this Government would we not have had, ever since it went into operation, if the framers of the Constitution had not foreseen the necessity of establishing one supreme tribunal in order to give uniformity to the decisions of the Courts, and to the law, and to the interpretations of the Constitution, making its operation equal and alike throughout the Union? It does seem to me, sir, that this matter is beyond controversy.

I have now got along thus far in the second stage of my argument—that the framers of the Constitution did erect a supreme tribunal in the government which was to determine upon its own powers. There is one other case by way of illustration, which I have overlooked. I wish to show to the honorable Senator (Thornton) a case wherein the Supreme Court of the United States exercised jurisdiction upon an act of Congress. He (Thornton) says the Court has no political power. I agree with him. The Court cannot pass a law; cannot pass any political act. But, sir, the Supreme Court has jurisdiction over the exercise of political power by Congress itself. In 1820, Congress passed the Missouri Compromise Act. Years afterwards, the Supreme Court decided that that political act was unconstitutional. The Court, by its judgment in the Dred Scott case, annulled that act of Congress, and it fell to the ground.

Mr. THORNTON—That was a case involving right of property.

Mr. EDGERTON—We all know what the question was—what it was meant to reach. It did involve the right of property; but it did also determine this question. The gentleman's party have always claimed that Congress undertook, in passing that act, to exercise an act of political power which they could not exercise under the Constitution. And they have always claimed, on every stump on which I have heard their orators speak, that by force of that decision of the Supreme Court, the act of Congress of 1820, fell to the ground.

Mr. THORNTON—Will the gentleman allow me a moment? I contend, so far as this matter is concerned, that the Dred Scott case was not a political question, only so far as it was made so by being taken up by the political parties of the country. When viewed abstractly and by itself, it is solely a question of a right of property; of the right to hold property beyond a certain given line. And it can only be called a political question, because a political party in the country—the Democratic party—took the position that the Southern States had a right to have their property protected, and to carry it into all the common Territories. From a question of property, a question arising in law and equity, it only became a political question, by being taken to themselves by political parties. It is not strictly a political question.

Mr. EDGERTON—I assert—and I think I have

demonstrated, from the theory of this matter, by arguments drawn from the nature of the question itself, and by the practice of the Government, that Congress can not, in any instance, exercise any act of political power under the Constitution, affecting the subjects of controversy enumerated in sections 1 and 2 of article 3, but may, by some form of suit at law or in equity, be submitted to the Supreme Court of the United States, and there affirmed or annulled, and rendered inoperative and void. That is what that tribunal was created for; and that is what it has already done.

Mr. THORNTON—I asked the Senator a question, a while ago, which he did not answer. I repeat it. How about the Senators of a Sovereign State not being allowed by the United States Senate, seats on the floor of that body?

Mr. EDGERTON—The honorable Senator's question assumes for a United States Senator, a character that I by no means accord. I deny that he is the Senator of a Sovereign State. He is an officer of the General Government, as I shall attempt to demonstrate, farther along in my remarks; and my reply to the question, is, that the controversy it points out does not come within the enumeration of Secs. 1 and 2 of Art. III of the Constitution, defining the powers of the Supreme Court; that to every deliberative body, belongs the power of deciding upon the qualifications of its own members; that such an act, on the part of the United States Senate, as the question contemplates, if exercised arbitrarily and without just cause, would amount to a gross usurpation of power, a disfranchisement of a portion of the people of the Union, for which I know of no alternative, except tame submission, or revolt.

The honorable Senator treated us to a brief history of the proceedings of the Convention that framed the Coustitution. He tells us that in that Convention the delegates of each Stato cast one vote; in effect, that they voted by States. Very true. But it is right here that the Senator falls into a serious and fundamental error. It consists in the supposition, that the Constitution receives impression, coloring, and character from the manner in which it was framed; and in the farther supposition, that it was the design of its framers to perpetuate under the Constitution the same relation between the States that prevailed under the Articles of Confederation. Whereas, directly the reverse is true. When the Constitution came from the hands of the Convention, it was mere paper and pack thread. It had no power, nor did it pretend to any. It was the *act*, and not the *mode* of its ratification, that gave it vitality and power. It then spoke for the first time; it inaugurated a new system, essentially distinct from that which existed under the confederation. The theory contended for by the honorable Senator, drives him to the necessity of asserting, that we are still living under a league, a confederation, similar to that which united the States prior to the establishment of the Constitution. Whereas, I think I have satisfactorily shown, from arguments drawn from the nature of the Constitution itself; from the purposes for which it was ordained, and from different judicial decisions of the highest tribunal in the land, that an entirely new system was founded by that instrument, which united the whole people, and not sovereign, independent States, under a consolidated Government.

In confirmation of his theory of our Government, the honorable Senator enumerates certain acts, which he says, the States perform, by virtue of their inherent State Sovereignty; as for example the appointment of Electors to elect a President. Well, now, sir, I undertake to say, that a State does not appoint Electors by virtue of any inherent sovereignty in the people of that State. Whence is derived the power to make those appointments? It is derived from the Constitution itself. And I maintain that the act is exercised, not as a right, not as a privilege by the people of a State, but that it is performed as a solemn duty enjoined on them by the Constitution. The Constitution is here mandatory upon the State Legislature. It is a duty, sir, that they perform for the purpose of carrying out and administering the General Government; not a *right*, which they exercise by virtue of any inherent sovereignty in the people of the States. And now I quote an authority for which, I have no doubt, the gentleman will have great respect, inasmuch as it comes from South Carolina herself. Let us understand each other distinctly, first. The gentleman says the appointment of Electors is an act of the people of a State, by virtue of State Sovereignty. *I* say it is a duty which they perform, enjoined on them by the Constitution, and, through the Constitution, by the whole people of the United States.

Mr. THORNTON—The Senator does not state it exactly as I understand it.

Mr. EDGERTON—As I understand it, I do.

Mr. THORNTON—Undoubtedly. My idea of the matter is this: I asked the Senator what act the people of the United States in collective capacity, irrespective of geographical lines, ever did? I went on to state that, ever since the formation of the Constitution, the people of the State within State limits, and not in collective capacity, have voted for Electors to elect the President. Now, how does that come about? Why, the people of the States made the Constitution. They said this in the Constitution: We will elect our President in such a way; and, according to the way which they themselves declared, they do now so elect, within State lines, and not in collective capacity.

Mr. EDGERTON—No, sir. The whole people of the United States, speaking through the Constitution, tell the people of South Carolina, or any other State, You *shall* elect Electors. And I undertake, now, to prove from the history of South Carolina, that they have there regarded it as a solemn duty to be performed; as a duty enjoined on them by the Constitution; and not as a right to be exercised by the people of a State in virtue of their inherent State Sovereignty.

Mr. THORNTON—Suppose South Carolina had refused to ratify?

Mr. EDGERTON—Then her people would not have formed a portion of the Union under the Constitution—and as a matter of course the Constitution would have had no application to them whatever—but having adopted it, they are bound by all its provisions, and will continue to be bound by them, unless through secession, nullification and revolution, they shall succeed in overturning it. But to return to the topic from which we have diverged.

Leiber, who for a long time filled one of the highest professorships in Columbia College, and who is regarded by the disciples of every political school as a master of political science, says:

"The State stands in need of power for its Government or organism through which it obtains, or strives to obtain, the State objects. Let us call it public power. Public power may rest on a moral basis; for instance, people obey a law because it is a law, not because a penalty is attached to it. In the year 1836, the members of the South Carolina Legislature resolved unanimously, in a caucus, to throw away the Presidential vote, or to vote for an imaginary person, because they were not satisfied with either candidate. When, however, the vote was to be taken upon this preliminary resolution, it was suggested that the Constitution of the United States says, Art. II, Sect. 1, 3, that the Electors *shall* 'vote by ballot for two persons.' The Legislature therefore found themselves *bound* to vote for some actual citizen or other, and gave their vote for Mr. Mangum, who was no candidate."

That, sir, shows the sense of South Carolina at that day, upon this clause of the Coustitution—that it was

not a right; that it was no privilege which was reserved to the people of the State of South Carolina, in their corporate, independent, sovereign capacity, but a duty that had been enjoined upon them through the Constitution; and that they were *bound* to perform it, as an act thus enjoined. And they, like loyal men, then did obey. They then regarded it, as a solemn injunction of the Constitution. Would to God they were as loyal to the Constitution now as then. [Great applause.]

Mr. THORNTON—I dislike to interrupt the Senator, but he labors under this misapprehension: that I contended it was a reserved right.

Mr. EDGERTON—The gentleman may have used the phrase unintentionally.

Mr. THORNTON—I never asserted it was a reserved right. In the Constitution it is declared that they will elect a President in such a way. The gentleman from Napa says it is an established and prescribed form, enjoined by the Constitution upon each State. I asked him: Suppose any State had not ratified the Constitution? Suppose any State had not come in and placed this form upon herself—which is an act of her inherent sovereignty—how then could the other States have forced the election of Presidential Electors, or any other act necessary to carry out the Government, upon that State? If a State refused to ratify, she would have been out entirely.

Mr. EDGERTON—If a State had refused to ratify the Constitution, the people of that State never would have formed a part of the political community that was created under the Constitution; and as I have before said, would be entirely unaffected by any of its provisions. I confess I do not at all appreciate the force of the honorable Senator's illustration.

If the honorable Senator will recur to the writings in the Federalist, his mind will become easily disabused of its false impressions, both as to the source of the authority by which a State appoints Presidential Electors, and the objects for which their appointment was referred to the States. We have only to look to the Constitution itself, to find the authority under which the State acts, while its cotemporary history shows that the establishment of the Electoral College to be composed of Electors to be chosen by each State in the manner its Legislature should appoint, was a plan devised for the sole purpose of securing order and purity in the election of the Chief Executive of the Nation.

In number 68, of the *Federalist*, it is said:

"It was desirable, that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men chosen by the people for this special purpose, and at a particular conjuncture.

It was equally desirable, that the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements that were proper to govern their choice. A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment requisite to so complicated an investigation.

It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder. This evil was not least to be dreaded in the election of a Magistrate, who was to have so important an agency in the Administration of the Government. But the precautions which have been so happily concerted in the system under consideration, promise an effectual security against this mischief. The choice of *several*, to form an intermediate body of Electors, will be much less apt to convulse the community, with any extraordinary, or violent movements, than the choice of *one*, who was himself to be the final object of the public wishes. And as the Electors, chosen in each State, are to assemble and vote in the State in which they are chosen, this detached, and divided situation will expose them much less to heats and ferments, that might be communicated from them to the people, than if they were all to be convened at one time in one place."

It is clearly evident from the Constitution itself, and from its cotemporary expositions by those who framed it, that the appointment of Presidential Electors by a State, is not an act exercised by virtue of the inherent sovereignty of a State; but a duty to be performed by the people of each State, in obedience to the behest of the Constitution. And it is further manifest, from the extract from the Federalist I have just read, that the appointment of the electors was not referred to the States, out of any consideration for the sovereignty of a State, but that the whole plan of the Electoral College was devised as I have before stated, to rescue the election of the Chief Magistrate of the nation from the abuses to which it would be liable, if left to the people, as compounded into a common mass.

One of the natural results of the honorable Senator's theory of our Government—that it is a compact between the States—would be, that each State should be on an exact equality with all the rest, in all respects; that each State should have an equal voice in the selection of the Chief Magistrate, and in the enactment of all measures growing out of the compact. If the Constitution is a compact, to which nine people, nine unities—if I may be allowed the expression—are parties, of course they are all equal; and they should all have the same rights, and the same power. Now, then, when these Presidential Electors are appointed in the manner in which the Constitution directs, and when the vote is cast for President, how is it done? Does each State have an equal voice in the selection of a Chief Magistrate? By no means! A majority elects—so that a few large States can control the election of the Chief Executive officer of the nation. What then becomes of your State equality?

Again, in the election of United States Senators and members of Congress, this same inequality is apparent. It is observable throughout the entire operations of the Government. Laws are passed either by a majority of votes, or by a two-thirds vote, in each branch of Congress. And when Senators and Members assemble in Congress, what are they? State officers or officers of the General Government? Why, I undertake to say they are officers of the General Government, and not responsible to those inherent sovereignties which, the gentleman says, sent them there. They are paid out of the National Treasury. Can the State recall them? Can the State punish them, if guilty of violations of law and of the Constitution? No, sir. They act in conjunction with the representatives from the other States, in a collective capacity, and State lines are there disregarded; and a majority or two-thirds vote passes all the laws under which the Government is carried on.

This idea of State equality, which must necessarily exist, if the gentleman's theory is true, is broken down—lost sight of—nowhere preserved in the practical operation of the Government.

Now, as to the subject of force, the Senator from Mariposa (Merritt,) who is now in his seat, says in his speech, that the Senator from Napa, in his remarks, insisted upon the exercise of force first, and compromise last. He represents me, sir, as a sort of military chieftain, with epaulets and sword on, marching at the head of a Vermont army down to South Carolina. I now ask him to point me to the place in my speech; to the word I have written, or the word I have uttered, placing me in such position.

Mr. MERRITT—I stated, at the time I had the honor to address the Senate, that the speech of the Senator from Napa, and the resolutions offered, seemed to me to have two distinctive characteristics; that the resolutions in themselves—with the exception of

the clause in the seventh resolution, which I have indicated to the Senate—appeared to me to be conciliatory and such as we could subscribe to; and that the gentleman's speech seemed to me to breath the spirit of war. I stated in my remarks, that that clause from the Senator's speech, which I then read, looked that way. So far as the Vermont army is concerned, that is mere badinage of course.

Mr. EDGERTON—Now, sir, I have read and re-read that speech. I ought to know what it means; and I here declare that I have never given utterance to such a sentiment as the Senator has ascribed to me. I shall run into no inconsistency, in what I say on this subject of force. I am surrounded by friends coming from the South. I now see gentlemen before me, toward whom my heart warms; for whom I feel the deepest and sincerest friendship, and who have proved themselves to me, the sincerest friends I have. In whatever I say, I mean nothing offensive to the South, to Southern institutions, or to Southern gentlemen. But I mean, sir, to talk here like an American citizen; to talk here, sir, as one who reverences the Constitution and the Union. And I mean to talk justly towards the South, the North, the East, the West. [Applause.]

The honorable Senator from Sierra asserts that force cannot be used under the Constitution, against a revolting State. I admit that. The Constitution nowhere recognises such a thing as a revolting State. But it does recognise *insurrection*. It does recognise treason. It recognises domestic violence and resistance to the execution of the laws, on the part of individuals; and it has also provided means for the suppression of all these disturbing elements, and penalties for instigating them.

Now, Mr. President, I desire to argue and to consider this question of force with the Senator from Sierra, as a Constitutional right, or rather as a Constitutional power—a power to be exercised under the Constitution. He (Thornton) tells us that there is no power in the Government, under the Constitution, to collect the Federal revenues; no power to execute the law; no power to enforce obedience to the enactments of the Federal Legislature. Now, sir, I apprehend that directly the reverse of all this is true; and that not only the power, but the absolute duty, of the General Government to resort to use of physical force, when necessary, to compel obedience of the citizen to the Federal enactments, is easily demonstrated.

The gentleman cites us to certain remarks made by Mr. Madison, in the Convention that framed the Constitution, in reference to the use of force. Let us be accurate in our use of history. I ask the gentleman, what were they talking about? What were they debating about, when it was proposed to execute the laws of the United States by force? Why, sir, they were talking at that time about a Government over the States, as sovereign States, and members of a league. And Mr. Madison did then say, that it was not politic, or wise, or practicable, to found the Government on the idea of executing its mandates through the medium of force against an independent State. Every word that Mr. Madison said on this subject of using force, which the gentleman (Thornton) quoted, was said with an especial reference to the proposition of using force by the General Government, for the purpose of coercing an independent State Government into subjection. Such a proposition was submitted, and we all know that it was seriously supported by such men as Jefferson and others, but abandoned. And why? Because it was thought much more expedient to make the new government operate directly upon individuals, and not upon States, and to hold individuals instead of States responsible to the Government, for resistance to its ordinances and laws. And now, sir, what does the Constitution itself say? It provides that the President of the United States *shall see that the laws are executed*. And it further, in express terms, clothes Congress with the power—or rather as I say makes it the duty of Congress—to provide for calling forth the militia to execute the laws of the General Government, to suppress insurrection, and repel invasion. These, sir, are the express words of the instrument, which are tantamount to this: Whenever the laws of the United States are resisted: whenever combinations are made for the purpose of insurrection, and for trampling the laws under foot, it is the duty of Congress, and the duty of the President of the United States, to see that the laws are executed; if necessary, at the price of shedding every drop of blood, and sacrificing every soldier in the American army. [Applause.] That is my idea.

The gentleman (Thornton) tells us, sir, that the words, "execution of the laws," are but a "*sneaking* synonym for war." Sir, I find a provision, that "Congress shall have power to provide for calling forth the militia to execute the laws of the Union," in the Constitution of my country. I consult history, and I find that Washington used force to "execute the laws." I come down to a later period—one within the memory of the gentleman and myself—and I find Mr. Buchanan sending the army of the United States to distant Territories, to enforce and "execute the law." I find the President of the United States drawing from the Treasury of the Union, and using the army of the Union, to enforce and execute the law in Boston, in the Burns case; and I now ask the honorable Senator if he approves of the act of President Fillmore, in sending the army of the United States to Boston, and spending the money of the United States, to enforce the execution of the Federal laws there?

Mr. THORNTON—I approve of that act. I approve of the conduct of General Washington in the case of the Whisky Insurrection. I approve of the acts in relation to the disturbances in the Territory of Utah. But if time allowed—I will not do it now—I could enter into an argument to show that the forms and the requirements of the law were complied with, in each one of these cases.

Mr. EDGERTON—Let us take the matter up now.

Mr. THORNTON—In the case of the Whisky Insurrection, we see, from the proclamation of General Washington, that the regularly authorized agents of the Government, in the State of Pennsylvania, had notified him of the necessity of the exercise of this granted power. Where has that been done, in the present case of South Carolina? Where? I will ask the gentleman that question. As for Kansas, when the army was sent there, she was a Territory, and she was under the supreme control and government of Congress; and, in accordance with the prescribed forms of law, the military arm of the government was exercised there. So with Utah. So in the Burns case. But here, in the case of South Carolina—to which I made the application of the remark, that the execution of the law now, meant civil war—how can you apply that section of the Constitution? The *onus*, the burden of proof must be made manifest, by showing that an application has been made. These pretended parallels between the present position of South Carolina and the Whisky Rebellion, the disturbances in the Utah and the rescue of a fugitive Slave in Boston, do not exist. I ask the gentleman now, to take the section of the Constitution and apply it, by itself and by the power vested in Congress, to the present existing circumstances in South Carolina, Alabama, Florida, Mississippi and Louisiana.

Mr. EDGERTON—Mr. President, I consider my-

self invited by the honorable Senator, to state cases wherein the General Government and the President of the United States might call out the militia to execute the law, in the case of South Carolina.

Mr. THORNTON—Apply it to South Carolina now.

Mr. EDGERTON—The law of Congress under which General Washington called out the militia to suppress the Whisky Insurrection, provided that, if notified in writing by the District Judge, or by one of the Associate Judges, of the existence of a combination sufficiently strong to resist the execution of the laws, he might call out the military power of the Government, to see that they were enforced. And, sir, I do not think that it would have been a matter of much difficulty for Mr. Buchanan to have obtained from one of the Republican Judges, on the bench of the Supreme Court of the United States, such a statement in writing, at any time. The law says the notification shall be given by a District Judge, or one of *the Associate Judges;* and I maintain that any of the Associate Judges could give such a notice in writing, and the law would have been satisfied.

Mr. THORNTON—They did not do it in this instance, notwithstanding.

Mr. EDGERTON—I do not know whether they did or not. I was showing how this could be done, under the Constitution. I think I know what Jackson would have done, if he had been President instead of Buchanan. [Applause.] I think he would have gone to the Judges of the Supreme Court, and told them, "By the Eternal," you *must* give me that document in writing! and he would have got it. [Applause.]

Mr. THORNTON—I wish, sir, the gentleman could have illustrated by a reference to the conduct of Jackson in a former instance, when the State of South Carolina nullified an Act of Congress, and General Jackson did no such thing. [Applause.] Now, let me look at that thing. Let me say, as the Senator from Mariposa (Merritt) said, that Jackson, this same President that talked about force, signed a *sneaking* compromise, by which the Federal Government backed down. [Hisses, mingled with applause.]

The PRESIDENT, *pro tem.*—The Sergeant-at-Arms will endeavor to find out who was guilty of hissing. The floor of the lobby will be ordered cleared, if anything of the kind occurs again. Let us have no more of it.

Mr. EDGERTON—The word "*sneaking*" seems to be a very favorite word with the honorable Senator, when he desires to give point to his declamation, and characterize any act of the Government. I do not admit that a compromise was ever made by the Government with South Carolina, or with any other State. The General Government did modify the Tariff; but it was the act of the General Government, and not a compromise between that Government and South Carolina. The General Government never makes compromises with any State. The honorable Senator's allusion to General Jackson, called to my mind a few incidents of history, that will enlighten us as to the views entertained by that illustrious Democrat in regard to his constitutional power to use force for the preservation of the Union, and the enforcement of the laws. Has the honorable Senator forgotten that the Hero of the Hermitage, in the calm evening of his life, as he looked back over his public career, regretted that he had not executed Calhoun as a traitor to the Constitution and the Union? Does he not know that General Jackson had determined to declare martial law in the District of Columbia; that he had the Court Martial appointed, that was to try Mr. Calhoun for treason, and the officers selected, who were to execute the death penalty upon him? And, sir, does not the honorable Senator know that Mr. Calhoun saved his neck by sustaining and voting for the measure which he now stigmatizes as a *sneaking compromise?* [Sensation.]

I do not allude to these matters, to cast reproach upon the memory of Mr. Calhoun; nor, is it my design to enter upon any justification of these extreme measures. But, I may with propriety refer to them for the purpose of showing what General Jackson considered to be his power and duty, under the Constitution, when the integrity of the Union was in danger, and when resistance was offered to the execution of the laws. I know his stern tyrannical temper. But, sir, tyrannical as he was, would to God he was now living, and at the head of our affairs. [Applause.]

The honorable Senator talks about a resort to the military power of the Government, to enforce obedience to the Federal laws in a Territory, as if it stood upon a different footing from the exercise of such a power in a State. I do not know why the General Government should not preserve and protect itself, and execute its authority by the same means, and in the same manner, in South Carolina, or in any other State of the Union, that it does in Utah, or Kansas, or Massachusetts. In my opinion, the General Government has not only the power, but it is its bounden duty, when necessary, to bring into requisition every dollar in its Treasury, every soldier in the army, and all the power of the navy, to protect its property, to collect its revenue, and to enforce all its ordinances and laws, every where throughout the land.

The honorable Senator said something the other day, in debate with the Senator from Plumas (Irwin) about a resort to force by the General Government in a Territory, by virtue of the right of eminent domain. Will the honorable Senator indulge me with a distinct explanation of what he meant by that remark?

Mr. THORNTON—I distinctly declared that Congress had power to control the Territories, and that the difference between a territory and a sovereign State was so great as hardly to need explanation.

Mr. EDGERTON—I will give the honorable Senator an explanation which he very much needs. By the right of eminent domain, I understand the right of the Government to take private property for public uses. And it is a new doctrine to me that the military arm of the Government was extended to Utah and to Kansas, under, and by virtue of the right of eminent domain. The Supreme Court, in the Dred Scott case, declared that the Constitution is equal and uniform throughout the dominions of the United States; that the powers of the Government are the same everywhere throughout the land. And I think a little reflection will lead the honorable Senator to the conclusion, that the power to send troops to Utah and to Kansas, was the same that sent them to Boston in the Burns' case, and derived from the same source.

The honorable Senators from Mariposa and Sierra deprecate war between the North and South. It cannot possibly be more revolting to them than to me. They cry out—"Don't use force!" With one breath—they cry peace; and in the other, they sound the trump of war. I tell the gentlemen, and I tell the South, if you do not want the General Government to resort to force, pending compromise, for God's sake don't use force yourselves, pending compromise. You demand compromise, and at the same time you devastate, pillage, and plunder. You give our flesh to the eagles and our roofs to the flames. You rob the Government of its property; you fire upon our vessels; you seize upon our forts, and murder our citizens. Sir, before they cry peace—let them call off their dogs of war! [Sensation.] I deprecate the use of force, unless the South drive the General Government to the necessity of it. I am in favor of compromise first, if the South will come up and deal with us in a spirit of

compromise. And I believe in my heart, if the solution of our difficulties is referred to the spirit of fair compromise, they will all be peacefully adjusted. But, sir, if the seceding States persist in their headlong, lawless course of conduct, I trust in God that the incoming administration will put forth every nerve of the Government, to preserve the Constitution and the Union, though the land be deluged with blood, and the heavens fall. [Sensation.] I agree with the Senators from Mariposa and Sierra, that there is no cause for all this tumult; that there is no cause for revolution. They are driven to acknowledging, with me, that the seceding States are wrong. The Senator from Mariposa says he sees no cause for revolution, and admits the justness of my views in reference to secession and nullification. His speech—

Mr. THORNTON—I certainly took ground, in the first place, that force should not be exercised against South Carolina, because of this Constitutional right to with draw herself when this Constitutional compact was broken. In the next place, I went into an enumeration, in an humble way, of the grievances, in the condition of affairs, under which the South rests; and I said there *was* occasion for the exercise of the right of revolution. The Senator from Mariposa (Merritt) and myself, did not differ, do not differ, on that point. We both agree that there *was* cause for revolution, And I differ with the gentleman from Napa, on both points.

Mr. EDGERTON—Here is what the gentleman said:

"I see no occasion for such revolution."

Mr. THORNTON—It is impossible. With the permission of the gentleman, I must settle this point, right here; because I never uttered such a sentiment—never could.

Mr. EDGERTON—The gentleman is reported as saying:

"Mr. President, if South Carolina has not this right, as one of her reserved rights, then she has exercised her inalienable right of revolution. The gentleman himself does not deny, no one denies that the people of a State have a right to change by revolution their form of Government when it becomes dangerous to their liberties, or when it becomes oppressive. Then there is no use in quarreling about terms. Call it the right of revolution, that sacred right which was declared in the revolution, which was consecrated by its victories, which was baptized in its blood, which is dear to the true patriot's heart throughout the world. Call it that, and South Carolina then, as a seceding State Government, by it has placed herself, by the universal consent of her citizens, in an independent attitude. Then, I say, let us not war against her. Let us not declare war because of that. I see no occasion for such revolution."—[*Union Report.*]

Mr. THORNTON—The last sentence is evidently a mistake.

Mr. EDGERTON—Well, sir, I think the gentleman will concede that I have no desire to misrepresent him. I sat near him at the time he made his remarks, and I do not recollect to have heard him use the expression attributed to him. When I read that portion of the newspaper report, I concluded the reporter could not have been mistaken in what the honorable Senator said, however.

Mr. THORNTON—My expression in that place was, I think, this: "Let us not declare war because of that. I see no occasion for such *revolution*."

Mr. EDGERTON—I found the expression in the honorable Senator's reported speech.

Mr. MERRITT—One word. I said that so far as the abstract right of secession was concerned, perhaps the Senator and I might agree. But I did not acknowledge that there was no cause for the present difficulties. I said that, in my judgment, the South labored under great wrongs, which had been inflicted on her by the North; that there might have been, as there generally is in family quarrels, wrong on both sides; but that, in my judgment, all might be healed by conciliation and concession, which should come from the party which had done the greatest wrong; that the use of force was not a question of right on the part of the General Government, but of expediency and policy; that the means in the power of that Government, and belonging to it to exercise, was matter of its own judgment.

Mr. EDGERTON—We do not disagree so much, after all. The Senator from Mariposa says States have no right to secede.

Mr. MERRITT—(interrupting)—Abstractly.

Mr. EDGERTON—I think if the right does not exist in abstraction, it can no where be found. The denial of the right of secession drives the honorable Senator to a justification of the South by virtue of the right of revolution. He sees no cause for revolution, and I therefore dismiss his speech as self answered.

Mr. MERRITT—A lawyer said somebody had done him a wrong, and—

Mr. EDGERTON—I cannot yield the floor to the Senator to allow him to tell anecdotes. [Merriment.]

Mr. MERRITT—Mr. President.

The PRESIDENT *pro tem.*—Does the Senator from Napa yield the floor?

Mr. EDGERTON—No, sir. I am a very poor story-teller, Mr. President, while the Senator from Mariposa is very apt that way; and he might make me ridiculous, were I to yield him the floor. I am afraid, sir, he would narrate something similar to the story of the Senator from Santa Cruz, about the eagle; told the other day. [Merriment.]

Now, I say this: That, as a matter of constitutional law, it was not necessary to place—

Mr. WATSON—(interrupting)—I rise to a point of order. The point of order is; that the Senators are not speaking pertinent to the question. [Laughter.]

The PRESIDENT—The point is not well taken.

Mr. EDGERTON—(resuming)—I maintain that it was not necessary, as a matter of constitutional law, to have placed in the Constitution any provision for the exercise of this power of calling out the military force of the Government to execute the law. Frequent allusion has been made by the Senator from Sierra, to the authority of Mr. Jefferson. Now, sir, Mr. Jefferson says on this point:

"It has been so often said, as to be generally believed, that Congress has no power, by the confederation, to enforce anything—for example, contributions. It was not necessary to give them that power expressly, they have it by the law of nature. When two parties make a compact, there results to each the power of compelling the other to execute it. Compulsion was never so easy as in our case, when a single frigate would soon levy on the commerce of any State the deficiency of its contributions."

It appears then, upon authority of Mr. Jefferson, that by the law of nature the power to resort to force existed under the articles of confederation; that Congress could have *compelled* obedience to its requisitions by the refractory and delinquent States. And he went so far as to state, on another occasion, that "it was time for the confederation to show its teeth;" and debated with gentlemen of that day as to whether it was better to send a naval or a military power, in order to coerce and compel a sovereign State to yield, and obey the enactments of Congress under the articles of confederation.

Then, I say, sir, on the authority of Jefferson, that this is an inherent power which exists in every Government; and that it is absolutely essential to accomplish the ends for which governments are established.

I will now address myself for a few moments to the causes of this revolution, which the Senators from Sierra and Mariposa now attempt to justify. The most prominent cause which the Senator from Mariposa

brings to our view, is the Personal Liberty Bills. I acknowledge, sir, they are a matter of just complaint; when urged by the South as matters of complaint against the North, and as infractions of the Constitution, the complaint is legitimate. And I further say, that, unless the Northern States will repeal these acts, so far as they are unconstitutional, unless they show disposition to do justice and to comply with the obligations of the Constitution, I agree with both of the Senators, in saying that this Union is not worth a straw. I agree to all that. But, sir, I know, in my heart, that justice will be done. I kuow that in my own State, (Vermont,) to which the Senator from Mariposa has alluded, the law will be repealed. I know it will be repealed, because an honest, just and patriotie people know it is not constitutional, know that they have eommitted an error; and they have not got too much State pride, thank God, to acknowledge and correet it. [Applause.]

But, sir, how does South Carolina stand on this point? Rhett, the head and front of this revolutionary movement in that State, says expressly, that the Personal Liberty Bills are not the cause of her action. He says that, in his judgment, the Fugitive Slave Law is not constitutional; and ought not to be observed by any State. He says that the causes of this movement have been gathering and deepening for thirty years. And who does not believe it, so far as South Carolina is eoneerned? Why, sir, there is a singular contrariety of opinion between the apologists of the South there, and her apologists here. I say again, that, in my judgment, there is no cause for revolution. Further, sir, the Senator from Mariposa acknowledged to me that he supported every resolution on your table, excepting the thirteenth. There is a resolution there which expressly declares that there is no matter, cause or thing, pending between the North and the South, which cannot be adjusted, and none which ought not to be settled by eompromise. And I say that eompromise ought to be tried before the South arrays herself with an armed force, attempting to break up this Government. That is my position on this question.

The Senator from Sierra, in tracing the causes of this revolution, takes us back to the Lecompton Constitution. He makes a gross attack upon Stephen A. Douglas. He says:

"The troubles which had been bequeathed from the former Administration, and existing in the Territory of Kansas, had been settled, as far as was within the power of the Administration, against Black Republican rebellion, and the Democratic party stood united around its chief and around its Administration. But, alas, at a fatal moment, when, according to all the forms of law, that bleeding Territory emerging from the dark clouds which covered it, sent its Constitution, the work of its Convention, up to Congress; at that time, let the Senator remember it, there was faction in the Democratic camp. A proud and gallant chieftain, upon whose head before that had been showered all the honors and the glory of his party, standing in the lines, saw fit to raise his hand and stab his leader in the back. Mr. President, that was the beginning of all our woe—that brought trouble upon the country, and together with other causes, brought it to its present condition. Douglas opposed the Lecompton Constitution. Having stood within the lines of the Democratic party, he now wrapped himself up, and like Achilles, withdrew to his tent. No, not like Achilles; he stood for a time on the shores of the loud sounding sea, but not satisfied with his inaction, he came back to take a part in the battle. And when he did take part in it, not against the common foe—not against the common enemy; but, forgetting all the doctrines he had himself proclaimed, he led the charge against the Administration and the Democratic party. What has been the course of things since then? He has persistently opposed the Administration; helped to break it down; weakened its power; taken from its control the Congress of the United States; and left thus, and thus alone, if James Buchanan has been unable to keep up that power in the Administration we might have wished. it is not his fault, and it seems to me the blame lies upon the head of Stephen a Douglas.

Sir, the Senator (Thornton) gives early promise of a career that shall add lustre and renown to an already illustrious house. For, sir, so long as eloquence shall charm the human mind; so long as patriotism shall remain an instinct of the human heart; so long as wisdom and virtue shall adorn the human character—so long will be loved and revered the name of the immortal Critteuden. [Applause.] Sir, he was the great compeer of Mr. Douglas in the struggle against the consummation of the iniquity of the Lecompton Constitution. He was there upon the ground. He knew all its surroundings. He kuew the motives that prompted the aetion of every man contending for and against that abomination. And, sir, what does he tell us? His opinions have great and decisive weight with me, and I know they must have with the Senator. (Thornton.) He tells us, that the Lecompton Constitution was an abomination before God and man. He tells us that Stephen A. Douglas did his duty like a patriot and a statesman upon that memorable occasion; that he stood up nobly and bared his breast to power, and performed that duty at the price of sacrificing the fairest hopes that any man then had of attaining to the highest office under the sun. [Applause.] What said Senator Hammond of South Carolina, a secessionist, of the same measure? He said it (the Lecompton Constitution) was a bundle of infamy which ought to have been kicked out of Congress. And, sir, these two Senators (Merritt aud Thornton) are the only two members of the Breckinridge party eveu, that I have heard, since the passions of that day have passed away, saying anything else, than that that was one of the grossest blunders of the present Administration. Perhaps, as the Senator from Sierra remarked, it is "the origin of all our woes;" but if so, it is the origin as identified with the Administration of James Buchanan and those who undertook to consummate the abomination. Why, sir, Mr. Douglas, an assassin! stabbing his leader in the back! Sir, when Southern rights have been in danger, who has always thrown himself into the breach in their behalf? Where has Stephen A. Douglas stood? When I think of all that great and illustrious man has done to accomplish justice for the South, and remember the manner in which the South has remunerated him, I eannot but exclaim, "Ingratitude! thou marble hearted fiend!" [Applause.] How oft, sir, have the congregated hosts of Democracy followed the white plume of that gallant chieftain to battle and to victory; when, as has been beautifully said, it waved to and fro amid the conflict, but never bowed to power, and was never stained by cowardice. Sir, Stephen A. Douglas stands, to-day, in the highest deliberative body of the land, the proudest among the proud, the boldest among the bold, the loftiest among the lofty; a Washington in council, and a Napoleon in action. [Applause.] Why, sir, he who stands in the councils of his country, and says he is above party; that he will sacrifice every word he has ever uttered, every line he has ever written, every sentiment he has ever expressed, on the altar of his country—*he*, an assassin! *he*, not a patriot! Sir, he has won for himself a fame as wide as civilization. Disappointed ambition, partizan hate, may hawk at it and try to tear it down, but there it will forever stand, a grand collossal column, its summit reaching far above the clouds, a beacon-light to freedom throughout the world.

Sir, the causes assigned by the honorable Senators for this revolution, are fictitious, and unworthy of any candid man's attention or respect. The real causes lie far deeper in the Southern heart than these. All these disturbances have been instigated by the anarchs of the South—by men whose lives have been a eareer of ceaseless, irretrievable rebellion to the Constitution and the law. If the stern logic of events discloses any

one fact prominently, it is, that the movement of secession is the culmination of a plot, first to break up the Democratic party at Charleston, thereby to secure the election of a Republican President, and make it the pretext of revolution, and the destruction of the Union.

The Senator from Sierra has talked much about John Brown raids; about poisoned wells, about murders, etc. in Texas, and in the South. Sir, when the Senator arrays these great crimes before us for the purpose of reprobating and condemning them, for the purpose of branding their authors with eternal infamy, I say amen to all that, and I would go with him to the bitter end of the law, to bring these great criminals to justice. But, sir, when he goes so far as to make these atrocities the subject of attack and general charge against the North, in the name of the North, I hurl them back upon the Senator, with unutterable scorn and contempt. Sir, in behalf of the people of the North, I deny these charges. They are an honest people. They mean to do justice and to respect the rights of the South. In spite of all your Personal Liberty Bills, you cannot show me an instance where the law has not been carried out. I admit in some things they have done wrong. But when the Senator makes these sweeping charges against my people, as a Northern man, I could not say anything less than I have said. I mean no disrespect toward the Senator. He has done much, since he came into the Senate, to warm my heart toward him; and I regretted much to hear him make such remarks.

Mr. THORNTON—I think the gentleman has wonderfully misunderstood my remarks. I never laid these things to the charge of the North.

Mr. EDGERTON—That explains the whole matter.

Mr. THORNTON—(continuing)—I laid them to the charge of the anti-slavery party and anti-slavery feeling, which exist in the North. Did not I take occasion, time and again, in the course of my remarks, to point to that gallant host of heroes who stand with serried shields around the Constitution for the protection of the South in all her rights? Then let it not be said that I have charged this on the North.

Mr. EDGERTON—Mr. President, the gentleman's explanation does him no credit, except so far as credit is due to the heart. He says he made these charges against the anti slavery sentiment at the North. The sentiment of the North is *all* anti-slavery. Education, the nature of Northern institutions, soil, geography, everything, make the sentiment at the North, against slavery, in the same manner that these causes make the sentiment at the South, in favor of it. And I tell him that, with the exception of a miserable, black, anthracite element of the Republican party at the North, there is not one man, woman or child, in all that section that countenances the crimes he has recited here. And, sir, I am no Republican, as I think everybody knows.

I was sorry to hear the Senator intrade another unpleasant topic, into this debate. He told us that, if Northern citizens go down to the South, they will be in luck if they save their "carcasses" from bloody graves by speedy flight. Sir, I know the valor and courage of the gallant yeomanry of the South. I never shall underrate it. But, sir, I was sorry to hear the Senator allude to those things. While difficulties may occur between them, I hope in God the occasion never will arise when Southern and Northern brothers are ranged against each other in deadly combat. I solemnly believe no such strife will ever occur, and I close my eyes against the horrid catastrophe. The Senator and myself might investigate history, observe the collisions that have occurred in the past, between Northern and Southern hordes, and doubtless we would arrive at a common result as to the relative valor and power of Northern and Southern tribes, when brought in conflict. But, sir, I pass from these considerations, with a prayer that the trial may never come between our Northern and Southern brethren. But, sir, I can not but remind the South, that if these disturbances progress and increase, they will soon find a more deadly foe in their own midst, than will ever assail them from North of Mason and Dixon's line.

> "There is a poor, blind Sampson in this land,
> Shorn of his strength, and bound in bonds of steel,
> Who may, in some grim revel, raise his hand,
> And shake the pillars of this common weal,
> 'Till the vast Temple of our liberties,
> A shapeless mass of wreck and rubbish lies."

The honorable Senator pictured to our imaginations, in glowing colors, a peaceful disruption of the Union, and the foundation of splendid empires, North and South. Bram pictures, sir, beautiful to behold; but when scrutinized they dissolve away like an accumulation of clouds. Can any man be so wild, pardon me the expression, as to expect to see a peaceful, quiet, amicable, and bloodless disruption of this great confederacy? Sir, your eyes and mine will never behold the miracle. It is the most miserable delusion that ever haunted the diseased imagination of man. The shades of Clay and Webster pass in sad procession before me as I contemplate the dread experiment. Would that I could catch the inspiration of their sublime and mighty eloquence, that I might stimulate you to duty and light the fires of patriotism in your hearts. I quote those words of solemn, terrible import, and warn you that "if the friends of nullification" should be able to propogate their opinions, and give them practical effect, they would, in my judgment, prove themselves the most "skillful architects" of ruin, the most effectual extinguishers of high raised expectations, the greatest blasters of human hopes, that any age has produced. They would stand up to proclaim, in tones which would pierce the ears of half the human race, that the last great experiment of representative government had failed. They would send forth sounds, at the hearing of which the doctrine of the divine right of kings would feel, even in its grave, a returning sensation of vitality and resuscitation. Millions of eyes, of those who now feed their inherent love of liberty on the success of the American example, would turn away from beholding our dismemberment, and find no place on earth whereon to rest their gratified sight. Amid the orgies and incantations of nullification, secession, disunion, and revolution, would be celebrated the funeral rites of constitutional and republican liberty.

The distinguished Senator from Mariposa closed his remarks with a glowing tribute of affection to his native State. Sir, he can enter upon no encomium upon that great commonwealth, that will not awaken in me a cordial response. But, sir, the glories of the old Dominion are not hemmed in by State lines. The names of her great and illustrious dead, are jewels that sparkle in our national diadem. Whatever of good she has accomplished, whatever of fame she has won, has passed into the general fund of our national renown, and forms part of an inheritance, to which you and each of us are common and equal heirs. Proud mother of States and of statesmen! Heaven forefend that through secession, disunion, and revolution, she shall become another Niobe of nations; another Lone Mother of dead Empires,

> "Childless, and crowuless, in her voiceless wo."

I shall pass no eulogy upon Vermont. There she sits, enthroned upon her eternal hills, girt with the spirit of liberty, and the love of her devoted sons. Behold her model institutions, her seminaries of learning, her civilization and prosperity, her contributions to science, literature, and art, her simple, pastoral, yet brave and patriotic yeomanry, and estimate her worth

for yourselves. Deep, real, and sincere as are my attachments to the land of my fathers, I am yet mindful that it is the proud panoply of my American citizenship alone that gives me dignity, character and security, both at home and abroad,—[great applause]—and my devotion to the Constitution and the Union, is superior to that which binds me to the spot whereon I was born. My patriotism is paramount to my State pride. My earnest prayer ascends to him who holds the destinies of nations in the hollow of his hand, that my country may outride in safety the storms that beat and howl around her. May she travel on, forever on, in the luminous pathway of empire, until her glory, her power, and renown shall have filled the globe.

"Thou, too, sail on, O Ship of State!
Sail on, O Union, strong and great!
Humanity with all its fears,
With all the hopes of future years,
Is hanging breathless on thy fate!
We know what Master laid thy keel,
What Workmen wrought thy ribs of steel,
Who made each mast, and sail, and rope,
What anvils rang, what hammers beat,
In what a forge and what a heat
Were shaped the anchors of thy hope!
Fear not each sudden sound and shock,
'Tis of the wave and not the rock;
'Tis but the flapping of the sail,
And not a rent made by the gale!
In spite of rock and tempest's roar,
In spite of false lights on the shore,
Sail on, nor fear to breast the sea!
Our hearts, our hopes, are all with thee,
Our hearts, our hopes, our prayers, our tears,
Our faith triumphant o'er our fears,
Are all with thee,—are all with thee!"

[Prolonged applause.]

Madison 8

PREAMBLE AND RESOLUTIONS

ON THE

STATE OF THE UNION,

INTRODUCED BY

MR. FAIRCHILD,

OF EL DORADO,

In Assembly, March 9, 1860.

SACRAMENTO:
PRINTED AT THE DAILY STANDARD OFFICE.

1860.

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PREFATORY REMARKS OF HON. D. FAIRCHILD,

ON THE PRESENTATION OF HIS PREAMBLE AND RESOLUTIONS IN ASSEMBLY, MARCH 9, 1860.

Mr. SPEAKER :—The preamble and resolutions which I herewith send up to the Clerk's desk, is the labor of the mover which has engrossed his attention for several days, as well as of wakeful hours of the night. Their phraseology may be greatly improved by the aid of a more learned lexicographer—the spirit of the article I am tenacious should be retained. I have carefully read the composition to my aged colleagues, honorables Messrs. Hammond and Lewis. The latter gentleman, a personal friend who was, and an admirer of the gifted and lamented patriot, Henry Clay, assures me that there is not a single sentiment therein expressed, but that he, as an "Old Line Whig," can fully indorse. As to my friend Hammond, who is only six days my junior in the march of time—both having followed in the onward and upward march of Jeffersonian Democracy—are, in this communication, a unit. We three, occupying seats in this Assembly—relics of a past century, view with trembling emotion the dissentions and heart-burnings of our Northern and Southern brethren of the Atlantic and Gulf States. We desire, if it be possible, to allay the angry strife of words ere they break forth in deadly fraternal strife. We do not arrogate to ourselves superior wisdom—much less would we be understood to proclaim that when we die "wisdom will perish with us." Far from it. But this we do affirm, as a truism : "Old men for counsel—young men for war." Mr. Speaker: With the above remarks I would simply say, that after the Clerk has read the preamble the further reading be dispensed with, and the communication be referred to the Committee on Federal Relations. The paper calls for the concurrent action of both Houses, and as I am opposed to the waste of time unnecessarily, I would suggest the propriety, should the committee see fit to recommend action thereon, that the Joint Convention, if concurred in by the Senate, the convocation be held in this chamber on some evening of the present week. All of which is respectfully submitted.

PREAMBLE AND RESOLUTIONS.

WHEREAS, the citizens of California being immigrants from the various States comprising the American Union—and therefore better prepared, both in their legislative and individual capacities, to present a true reflex of public opinion—as citizens of the first born sisterhood of States upon the Pacific slope, do feel impelled by a sense of fraternal duty, as also of our undying attachment to, and a desire for the preservation of our now happy Union—and of our unalterable determination to carry out the only true conservative and Democratic motto, "The Constitution must be obeyed, State rights must be respected, and the Union must and shall be preserved;" Therefore, be it

Resolved, By the Legislature of the State of California, in Senate and Assembly in Joint Convention assembled, that the only power delegated to Congress to suppress or circumscribe African slavery is contained in the ninth section of the first article of the Constitution, which reads as follows: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

Resolved, Inasmuch as twelve of the original thirteen States of the Union, under their several State Constitutions, or by laws in conformity therewith, held persons to service of the negro race, as chattel property, they did bind themselves mutually unto each other under an express provision of the Constitution, to the following covenants, to wit:

Article fourth, section second, clause third of the Constitution reads as follows; "No person held to service or labor in one State, under the laws thereof, escaping into another shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." The first clause of same article and section reads thus: "The citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States."

In article fourth of amendments to the Constitution is the following guarantee: "The right of the people to be secure in their persons, houses, papers, and effects, * * * * shall not be violated."

Article fifth of the amendments contains the following guarantee: "No person shall be * * * * deprived of life, liberty, or PROPERTY, without due process of law." Article tenth of amendments reads thus: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

Resolved, That the several States did also mutually agree that "Congress shall have power, (article four, section eight, clause fifteen,) to provide for the calling forth the militia to execute the laws of the Union, suppress insurrections, repel invasions, (clause eighteen,) to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or any department or officer thereof. Section four of article four of amendments: "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature, or of the Executive * * * * * against domestic violence."

Resolved, That the several States of the Union have imposed upon the President the obligation that "he shall take care that the laws shall be faithfully executed; and shall commission all the officers of the United States"—and further, that "before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, PRESERVE, PROTECT, and DEFEND, the Constitution of the United States."

The second and third clauses of article sixth of the amendments reads thus:—"This Constitution and the laws of the United States, which shall be made in pursuance thereof, * * * * * * shall be the supreme law of the land; and the Judges IN EVERY STATE SHALL BE BOUND THEREBY, ANYTHING IN THE CONSTITUTION OR LAWS OF ANY STATE TO THE CONTRARY NOTWITHSTANDING." "The Senators and Representatives, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution." The preamble to the Constitution of the United States reads thus:—"We, the people of the United States, IN ORDER TO FORM A MORE PERFECT UNION; establish justice; insure domestic tranquility; provide for the common defense; promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

ARTICLES OF CONFEDERATION.

ARTICLE 1. "The style of this confederacy shall be 'THE UNITED STATES OF AMERICA.'"

ART. 2. "Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this con-

federation expressly delegated to the United States, in Congress assembled."

ART. 3. "The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare; binding themselves TO ASSIST EACH OTHER AGAINST ALL FORCE OFFERED TO, OR ATTCKS MADE UPON THEM, OR ANY OF THEM, on account of RELIGION, SOVEREIGNTY, TRADE, OR ANY PRETEXT WHATEVER."

ART. 4. "The better to SECURE and PERPETUATE MUTUAL FRIENDSHIP and INTERCOURSE among the people of the different States of this Union, the FREE inhabitants of each of these States * * * * * shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and regress to, and from, any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions, as the inhabitants thereof, respectively; PROVIDED, that such restrictions shall not extend so far as to PREVENT THE REMOVAL OF PROPERTY imported into any State to any other State, of which the owner is an inhabitant;" therefore,

Resolved, As the mature and deliberate judgment of the members of the Legislature of the State of California, in Senate and Assembly, in Joint Convention assembled:

First—That Congress does not possess the power as conferred by the Constitution of the United States, either to extend or circumscribe the institution of domestic or African service, as existed in the several States at the time of the adoption of said Constitution.

Second—That all territory belonging to, or which may be acquired by, the Congress or General Government of the United States, either by purchase or by acquisition as an indemnity for expenses incurred in prosecuting any just war with an independent power, does, of right, belong to the citizens of the several States—and when by Congress organized into territorial governments, the citizens of each and every State of the Union, have an equal, inalienable, and indefeasible, right to invest their funds in the purchase of the public domain, in accordance with the provisions prescribed by Congress, relative to the disposal of such public lands, to be applied as a portion of the public funds in defraying the incidental and necessary expenses of the General Government. That the citizens of each and every State of this Union, when they, or either of them, shall have thus purchased and paid their funds, to secure a home for his, her, or their, families, do possess this inherent and inalienable right to emigrate to, or remove from, said territory with their families and effects, of whatever description, as is recognized as personal property by the laws of the State from which such emigrant, or emigrants, may have removed.

Third—That neither Congress or the local Legislature of any such organized territory have the right or authority, either by non-action or by positive law in reference thereto, to render property in slaves any less secure, than any other species of personal property.

Fourth—That the President of the United States is invested by the Constitution with power to appoint and commission all executive, judicial, and military, officers of the General Government, and by his oath of office, is bound to cause the laws pertaining to the rights of persons and

property to be faithfully executed. And in case any evil disposed and lawless person or persons should steal, secrete, or run off, or entice away, by any means whatever, any live stock, or persons held to service by the laws of any of the States of the Union, of persons emigrating to, and settling in, any organized territory, and in case the local Legislature should neglect or refuse to provide for the apprehension or trial of such lawless or evil disposed person or persons, against whom a complaint under oath shall have been preferred by any free citizen of such organized territory, or by any citizen of either of the States of the Union, and bring him, her, or them, before the proper judicial officer of the district in which the offense is alleged to have been committed, then and there to answer and plead to such charge or charges which may be preferred against him, her, or either of them. And, on conviction by any Judge or Jury having cognizance over such complaint, the defendant or defendants shall be sentenced to suffer such penalty as the laws of the State from which such complainant may have emigrated, or of which said complainant is a citizen, the Marshal of the district shall be required to carry out and execute the decree of said court. And in case he meet with resistance from one or more persons in the discharge of the duties thus imposed upon him, he shall be empowered by the President to call to his aid so many of the citizen soldiers of said judicial district, to serve as a military *comitatus*, as will enable him to execute the law.

Resolved, That our Senators be requested, and our Representatives in Congress be instructed, to vote for the payment of any moneys expended, or for property destroyed by the raid of one John Brown, commonly known as "Ossawatama Brown," and his associates at Harper's Ferry, Virginia, that may be asked for by her, for the payment of her military, judicial, or executive, officers, in defense of her constitutional and inalienable rights, and to remunerate her citizens for the destruction of any and every species of personal property so destroyed by the acts of said Brown and his associates in crime.

Resolved, That our Senators and Representatives in Congress, as above requested and instructed, vote for the payment of all sums of money justly due to the citizens of Missouri or of the citizens of the Territory of Kansas for the killing, or running off, or stealing, of any person or persons held to service therein. Be it further

Resolved, By the people of the State of California, in Senate and Assembly in joint convention assembled, that we deeply sympathize with our elder sister State, Virginia, which is emphatically the "Mother of States," as also of "Presidents," by the infliction of harm and terror, worse than ever that by a foreign foe, through the fanatic and deluded sons of one of the States formed out of her munificent gift to Congress, in the cession of her chartered rights to the territory lying northwest of the Ohio River, in the year of our Lord one thousand seven hundred and eighty-seven, in which she, in her sovereign capacity as one of the high contracting parties, donated to Congress—representing the high contracting party to the other twelve States of the Union, with the following memorable proviso, on the part of the generous donor, to-wit: "*Provided*, that involuntary servitude shall never be tolerated therein except for the punishment of crime."

Resolved, That we hold to the constitutional right and privilege of each

and every State of this Union to regulate their own internal police—to restrict their own citizens in the exercise or enjoyment of certain privileges within their own borders, subject always to the constitutional obligations mutually and severally entered into when the Union was formed—so that their own citizens shall not be permitted to hold as property the African or negro race within their boundaries—but we hold that no State has the constitutional right to inhibit, by law, her own citizens from holding and quietly possessing such property in any of the States tolerating the same. Finally, be it

Resolved, That, in accordance with the provisions and stipulations hereinbefore recounted in the constitutional obligations and restrictions mutually assumed by each with each other, we declare and affirm that no State or Territory of the Union possesses the constitutional right to interdict, interrupt, molest, or otherwise obstruct the free "ingress or regress to or from their borders to any free citizen of any other State whose laws recognize such service," to pass to and from any of the States of the Union. That, in the early days of the Republic, the Empire State of the North, under Democratic governance, cordially received and hospitably entertained such men as General George Washington, Thomas Jefferson, John Randolph, James Monroe, James Madison, in fine, any and every citizen of "Old Virginia"—such men as Marion, Rutledge, and the Pinckneys, of the Palmetto State—the Carrolls, of Maryland—the Clays and Crittendens, of Kentucky—in fine, it was the invitation, "Come one, come all; come and quaff the medicinal waters of our Saratoga; come view the world-renowed falls of our own Niagara; ascend from our commercial emporium upon the bosom of our noble Hudson, and as you ascend call to mind the trying scenes of the Revolutionary struggle; as you pass through the gap of highlands catch a view of West Point; scan the lofty peaks of the Catskill Mountains; pass onward, diverging wherever business or pleasure may dictate; visit and revisit your old comrades in arms of revolutionary renown; come as you may, by public or private conveyance, with or without your domestics, male or female, but come! there shall be none to molest or make you afraid."

Resolved, finally, That we, the members of the Senate and of the Assembly of the State of California, in behalf of our several constituents, among whom are immigrants from every State comprising the Union, send forth, greeting, the following welcome to each and every citizen of the States from which they have severally removed: "Come and view the entrance to our commercial emporium on the Pacific, the 'Golden Gate;' enter the bay to its harbor, on whose bosom might float in safety the navies and commercial marine of the globe. Come! visit her Geysers, where, within the circle of half a mile, gush forth fountains of varied medicinal properties; where springs, but a few yards from each other, pour forth water—some cold and pure as crystal, and others so hot that they steam and surge like a boiling cauldron. Come, view our forests, which have withstood the force of the tempests for untold ages, and whose branches have ascended higher toward heaven than were ever before discovered upon this planet! Come, visit the falls of the Yosemite, descending from its rocky bed, so elevated, that, standing at its base and looking up, it seems as leaping mid-way from earth to the cloudy vault of heaven. Come, all of you, who have had father, son, or brother, slain on the battle-fields of Mexico—come tread the soil their valor won; view her placer gold fields; enter the tunnels perforating the bowels of her lofty

mountains, in search of beds of ancient rivers, whose golden sands have laid buried therein long ere the dawn of the Christian era; come, examine her harvest fields, whose fabulous yield is *more* than was predicted in the parable of the sower—*more* than an hundred fold having been realized from her prolific soil, whether computed by number, weight, or measure; come, and we will show you more luxuriant clusters from our vineyards than were ever shown the children of Israel ere their entrance into the land of Canaan; come, you of the North, whose winters consume the products of the soil and the labor of the husbandman for the balance of the year—witness the surroundings of *our winter* dwellings, decked with shrubbery 'which a Shenstone would have envied!' come, you of the South, whose friends and relatives fell in battle at Buena Vista and other fields of deadly strife in Mexico—whose valor won this glorious inheritance for us—we invite you to come; come, when summer's solstice pours her fervid heat upon you, come! come and enjoy the cooling breezes as they are wafted from the bosom of the broad Pacific through the Golden Gate and every mountain gap! come view in mid-summer the snow-capped summits of our Sierras!

"Although we citizens of California have, by constitutional inhibition, denied to our own citizens the power to hold to service of the African race, we disclaim the constitutional power to inhibit any one of the citizens of our sister States, who by their local laws enjoy this right, to vitiate their inalienable privilege to do so, when in transit to or from one State to another, or while merely visiting their friends residing within our State boundary—but such non-residents of either of our sister States the 'free ingress and regress to and from' our borders. Come, then, visit us in full assurance of the peaceable enjoyment of your inalienable rights—and when you depart from our midst we will part as brothers and as friends of the same household—we assure you no one will be permitted to molest you or yours—the stars and stripes—the wide spread wings of our own eagle, overshadow us all alike!—again, we say, Come!!"

9

SPEECH

OF

HON. FRANK F. FARGO,

ON THE

Resolutions upon the State of the Union,

DELIVERED IN THE

ASSEMBLY OF THE STATE OF CALIFORNIA,

AT THE

Twelfth Session of the Legislature, February 20th, 1861.

SACRAMENTO:
1861.

SPEECH.

The special order of the day being the resolutions reported by the Committee on Federal Relations upon the State of the Union, was taken up, when

Mr. FARGO said:

Mr. SPEAKER: It may be presuming too much upon the valuable time of the Assembly, to ask its attention to further discussion upon the topics now under consideration, particularly from one who can give no assurance of adding anything new to the debate, or repeating what has already been said in a manner to warrant a trespass upon its patience. It is not difficult, however, for the humblest member upon this floor to find an apology for his anxiety to add a word in the advocacy of the resolutions before us, in the great importance of the subject and the magnitude of the issue presented, upon the determination of which depends, perhaps, the stability of our Government, and the weal or woe of thirty millions of people. If we are not moved by any personal interest in this grave question to interpose our voices for what we deem right and proper, we ought not to forget that the suffrages of a generous and confiding constituency have placed us in a position where we may, to a certain extent, in an official manner, give utterance to their sentiments, and by our votes indicate their wishes.

Standing here as I do, the only representative upon this floor of nine thousand loyal citizens of the Federal Union, of whose intelligence, industry, patriotism and virtue I am proud, whose devotion to the laws, the Constitution and the institutions of our Government are second to none, whose generosity has constituted me their temporary agent, I should prove recreant to the responsible trust committed to my charge, should I allow this opportunity to pass, without in an explicit manner avowing my sentiments upon this question, and which I trust reflect the views of those I have the honor to represent.

It is true that the most potent and effectual declaration upon this floor, in the consideration and disposition of this subject, will be the little monosyllable we are each permitted to utter when yonder roll shall be called for a final decision of the question. While I do not expect to change the opinions of any member of this House, or influence a single vote upon the passage of these resolutions, or entertain the Assembly with a display of eloquence or the exhibition of logical reasoning, still my own convictions of duty and propriety lead me to believe that I am justified in doing something more than simply casting my vote upon this question, by which I may more fully and emphatically express the views and feelings of those I am here to speak and act for.

I stand here, Mr. Speaker, in the name, and as the agent of nine thousand people, according to the returns of the late census. I know something of their views, feelings, opinions and desires upon this grave subject. Of that nine thousand, but few, if any, are disunionists, and scarcely a greater number are in favor of the new fangled idea of a Pacific Republic. Although differing with many of them upon the political questions of the day, yet I sincerely believe but few persons will be found in the noble county of Alameda, who will widely differ with me in the question now before us, or who would not sanction the vote I intend to cast when a decision is made. Feeling thus confident of reflecting the true sentiments of an enlightened and loyal constituency, I am proud on an occasion like this to be the instrument through which those opinions shall find utterance, and in some measure be made effectual.

Although the merits of the question now before us were not in issue in the recent campaign, and we were not chosen to this Legislature on account of our opinions thereon, still the usages of Republican Governments, sanctioned by almost universal observance, clearly indicates to us that we are expected in emergencies like this, to reflect the opinions of those whose legally constituted agents we are. I am well satisfied, so far as I am concerned, and I believe I represent as an individual, the largest constituency of any member upon this floor, that I entertain sentiments upon this matter that are in consonance with a very large proportion of the people of my district. When questions of this character arise, upon which it is desirable to ascertain the feelings and desires of the people, an expression of the Legislature, which is a representative body, is supposed to correctly interpret the views of the public mind. Hence it is that the

Legislatures of the several States have, or are now, giving to the world, the sentiments of their respective States. Hence it is that these resolutions are introduced into this body, and for this reason we are engaged in this debate—that the real opinions of the people of California may find a public and authentic expression, and be known throughout the Union.

It is to be regretted that the vital and serious questions now agitating the public mind, should be made a test of party fealty. It would seem that issues involving the very existence of our Government ought not to array Americans against Americans. But transpiring events, the attitude of parties, and the diversity of opinions advanced upon this floor, leave no room to doubt that it has been determined to establish a test of this character, which shall be a passport to fraternal recognition by the political parties of the day.

I shall not be accused of misrepresentation when I say that the party commonly known as the Breckinridge party have deliberately concluded to defend the strange and unusual proceedings of South Carolina and other seceding States, and will attempt to justify the action of those people at the South who are now in open rebellion to the Federal Government. If the resolutions of the minority committee which that party support do not avow as much, their discussion upon this floor and in the Senate Chamber most unmistakably gives such an interpretation to their motives and designs.

We are told by them that their justification for this course is found in the fact that the North and the Republican party have violated the Constitution, trespassed upon the rights of the Southern States, and denied them equal advantages in the Territories of the United States. For this reason, and for self protection, the secessionists, or revolutionists, who are sustained by the Democratic party, (I say Democratic party, for there is but one Democratic party in Congress, and there will be but one here in a few days, and that is now the so-called Breckinridge party, which will attract to it all that element in the Douglas party that is now so uncomfortable in its present position, and which never ought to have left the slavery party, and will form the secession or disunion party,) have rebelled against the Government, subverted its laws, ignored its authority, seized its property, and assailed its national ensign.

Are these allegations true? And are these specifications the real cause of the attempted revolution in the Southern States?

I do not propose to travel over the ground already so thoroughly discussed by those who have preceded me, to show the mode and manner of the establishment of our Government, or the distinctions that exist between Federal and State sovereignties, or of the right of a State or States to secede and dissolve their connection with the Federal Union. I may, however, remark that I fully endorse the doctrine that the Constitution of the United States is the legitimate creature of the people of the Union, and not a compact by and between the several States. I therefore deny the right of any State, or the portion of a State, by its own action, to dissolve its connection with the Union. In my judgment this can no more be done than a county can secede from a State, or a town from a county, under a State Constitution. Counties, cities and corporations have local governments by which their domestic affairs are managed, and all the functions of authority exercised within their defined jurisdiction, but all are alike subject to the supreme authority of the State Constitution. So it is with States. Each has its separate and distinct Constitution, as it has its well defined boundary, but none of them conflict with the Federal Constitution, and all are subject to it, however widely they may differ in the minor details that affect their respective localities and interests. I pass then to inquire whether or not the alleged grievances of the Southern States are fancied or real.

The Republican party is charged, and the Republican States are accused with infidelity to the Constitution and laws of the United States, by aggressive acts upon the rights and institutions of the slaveholding States. The election of a Republican President and Vice President, in accordance with the plain provisions of the Constitution, is held to be an overt act towards the South and her favorite institutions, and is made the pretext for a dissolution of the confederacy of States, which is sought to be accomplished by secession, rebellion and revolution.

The allegations as to the aggressions of the North, or the Republican party, upon the South or the institution of slavery, are wholly unsupported by any proof or authority, save the simple statement of our opponents. It is true there are Abolitionists in the North who have organizations and aims, and who have made occasional spasmodic efforts to aid in the escape of Negro slaves, and have denounced the institution of slavery in their organs, on the stump and in the pulpit, but their limited number renders them incapable now, as they always have been, of accomplishing their objects. It is impossible, in a country like this, and under a Government like ours, where free thought, free speech, and a free press are tolerated, to prevent the discussion and agitation of such a subject as that of American slavery. And it would be a little remarkable if a subject of this character should not meet with strong and bitter oponents, particularly in a locality where the education, associations, institutions and all the surroundings of the people were imbued with a spirit of freedom.

The agitation of this question of slavery is no innovation. It has been a theme of dispute and difference for many years, yet in all the controversy, there can not be shown an instance where any considerable portion of the people of the North, or any formidable political party, have, by overt act, interfered with the rights of the Southern States, or sanctioned such interference by others. There have been individual instances, where Abolitionists have destroyed life and despoiled property in the pursuance of the objects of their organizations, but they are of rare occurrence, and meet with no justification at the hands of the great body of the people.

As well might the North hold the South responsible for the outrages perpetrated by the outlaws and mobs, within the borders of their states, upon Northern people, as for the North to be answerable for all the faults of her misguided citizens, denominated Abolitionists.

There is a disposition to charge the whole Republican party with being Abolitionists.

There never was a statement more destitute of

truth. No man of ordinary intelligence, who has any regard for truth, will make the assertion, or attempt to demonstrate its truth. It is a term of opprobrium and derision, not only in the South but at the North, and serves its purpose as an electioneering weapon admirably, but when applied to the great Republican party it can not be justified by their acts or record.

The Republican party and the Abolition party are as separate, distinct, and antagonistic as ever any two parties were in this country. Since the organization of the Republican party, the two never have concentrated their support upon the same persons, for any important political office. No Presidential campaign has occurred for twenty years that did not find the Abolition party in the field, with its distinct organization and separate candidates. A Gubernatorial election has not been held in the State of New York for many years that has not seen this party putting forward its champion for the executive chair. But, fortunately, they have been, and are yet, but a handful, and perfectly powerless for harm. They are to-day acting in unison with the disunionists of the South, and like them, are laboring for a destruction of the Government, with only this difference—the one to perpetuate slavery and the other to abolish it. Their aims differ, but both seek to accomplish their desires, by the use of the same means—dissolution of the Federal Union.

The charge of Abolitionism, therefore, which is sought to be fastened upon the Republican party, is not justified by facts or history. It has, however, been a powerful weapon in the hands of our enemies, and particularly has it been made effective in California, where Northern men have been kept beneath the lash of their Southern masters, by the application of the terms Abolitionist, Black Republican, Negro Worshipers, and other like offensive appellations.

To vindicate the proposition I lay down here, I proudly point to the platforms of the party, made and adopted at Philadelphia in 1856, at Chicago in 1860—to the resolutions of the various Republican State Conventions for the last five years—to the papers in the interest of the party, and to the public speeches of leading Republican statesmen, and I challenge the production of a sentiment in the whole record to justify the charge of Abolitionism, of recognized Republicanism.

That there may be found sometimes acting with us, persons in favor of the abolition of slavery in this country, I do not deny; on the contrary, I admit there are those entertaining such views sometimes voting with us, but the Republican party is not responsible for their sentiments, and it publicly repudiates their doctrines.

There are men of talent, wealth, position and influence at the North, who have been avowed Abolitionists for years, and they would be glad to control the Republican party, but there is a conservative sentiment in the Republican ranks that never will tolerate the domination of such men, or consent to the incorporation of their heresies into our creed. When, therefore, the revilers of the Republican party charge it with Abolitionism, let them have a little regard for truth. It is also true that there is a decided and positive anti-slavery sentiment in the Republican party. Indeed it had its origin in the necessity to put a check upon the usurpations and unreasonable demands of the slave power in the Federal Government. At the same time, its love of justice and due regard for the rights of others, forbids that it should ever countenance an interference with the institution where it is sanctioned and recognized by law. It has ever been one of the prominent and leading features in the creed of the party, that there should be no interference with slavery by the Government, in the States where it exists by law. This principle has been recognised and sustained by Republicans everywhere, and he who does not endorse the doctrine is not a Republican.

It is unnecessary to go back further than the year 1854 to discover the causes that gave existence to that party, that has recently achieved so signal a victory, not only in the Atlantic States, but even in the heretofore strong hold of Democracy, California and Oregon. It will be remembered that the exciting agitation of this question of slavery in the Territories, in 1820, was settled by a compromise, which provided that all territory north of a specified line, known as the "Missouri Compromise line," should be forever exempt from the blighting curse of slavery, while all south of it was left open to the undisputed right of slavery introduction.

This was yielded reluctantly by the North, because it was opposed to any more slave territory, but for the sake of harmony this concession was made. The process of populating the Western domain went on, year after year, and from some cause, the territory north of this imaginary line, advanced much more rapidly than that south of it, in wealth, enterprise, population, and all that goes to make states and communities, when it became evident to the slave interest that with the existence of that compact of the Missouri Compromise line, slavery was being outstripped by freedom, and a pretext was made in 1854, for the necessity of repealing the ordinance establishing that line.

Mr. Stephen A. Douglas was found to be the ready instrument to engage in this sorry business—sorry, I say, for it has indeed been sorry business to him as well as the great Democratic party, whose downfall is distinctly traceable to this outrage upon a solemn compact.

The Missouri Compromise line ordinance was repealed by the votes of the South, and a few Northern dough-faces, and the whole country was thrown open to the equal competition of freedom and slavery. Then were sown the seeds of Republicanism, that speedily germinated, which have since produced the full grown tree, with its well ripened fruit that was gathered on the 6th of November last. In all its professions, policy and operations, it has ever avoided any interference with the institution of slavery where it is already established by law, and it has as steadfastly opposed its further encroachment upon the Territories.

This warfare, if I may so call it, which was a strife between the advocates of freedom and slavery for supremacy in the Territories, has been continued from 1854 till the present time. By superior management, and the aid of the Federal authorities, which it controlled, Democracy was permitted to hold sway for six years after this outrage upon the rights of the free North. In every defeat, the Republicans yielded willing obedience to the voice of the majority, and patiently bided their time, hav-

ing faith in the justness of their cause and its ultimate triumph.

In the contest of 1856, one of the issues in the campaign was, "no more slave territory." For want of proper organization, although undoubtedly having the voice of the people with them, they were defeated by the advocates of slavery extension, and by the candidate of the South. No resistance was offered to the execution of the laws; no threats were made against the Government; no thoughts of revolution or secession were entertained, but like loyal citizens, they were willing to abide the decision made, as the Constitution prescribes, at the ballot box.

The campaign of 1860 again found the same parties in the field, and divided upon the same issues, which were made and accepted by the contestants mutually, with the understanding that the minority should yield to the majority, as had been done on previous occasions. The increased strength of the Republican party, gained in four years' discipline, and greatly enhanced by the infamous character of the national administration, gave it an easy victory in the contest. Finding themselves defeated at the ballot box, and seeing the power of the Government which they had held so long, about to depart from them, and perhaps forever, plans were at once concocted for a dissolution of the Union, and deliberate efforts are put forth to accomplish such a result. Several States solemnly declare themselves out of the Union, and rebels and traitors in various parts of the country, seize upon the Government Forts, Arsenals, Mints, Custom Houses, convert them to their own use, and openly defy the power of the Government to resist them.

Is there any justification for this conduct of the seceding States? Or is it not palpable to every unbiased mind that there is no sincerity in the allegations made against the Republican party; but the real cause of grievance is the loss of power, and the control of the Federal Government. The conclusion can not be resisted that the South would be perfectly willing to remain in the Union as long as its friends, either North or South, retain a controlling influence in its affairs.

The whole question then, is simply this, that the slave interest of this country is unwilling to remain in the Union, unless it can dictate the policy of the Government. Are we prepared to justify the action of the seceding States upon such a flimsy excuse? I can not, for myself, Mr. Speaker, form such an opinion of the American people, as to believe any considerable portion of them will give countenance to any such doctrine. I have confidence in the intelligence, patriotism, and justice of the masses of the people, to believe that they will prove true to the best interest of our country when they are appealed to.

We are asked now to make concessions, and to compromise, in order to avert the dangers that beset us. The various periodical ruptures that have apparently endangered the safety of the Union, have usually been healed by compromises, in which the South has always secured its fair proportion of advantages and guarantees. It has been less faithful in keeping them, than prompt in demanding them.

I think there is an evident disposition now among Republicans to do everything by way of compromise, that can be done consistently. They are not willing to concede all, and more than slavery demanded before we won the victory. We are not prepared to stultify ourselves to gratify those who are seeking to disrupt the Union. Among other things asked for, is that there shall be adopted some Constitutional guarantee that slavery shall be protected by the Government in the Territories.

To this proposition we can never yield, and maintain our consistency before the country. That proposition involves the whole difficulty. That question was the main issue in the recent campaign, and the people, by a very large vote, gave us a verdict; hence, we can not yield to this demand. The people have decided, at the ballot box, as they have a right to do, that the Territories shall remain as they now are, free, and Congress or politicians have no right to make or accept any such propositions. If the continuation of this Government depends upon this concession by Republicans, I think the restoration of peace will be looked for a long time in vain.

While we are willing to give every reasonable guarantee against interference with the institution in the States, where it now exists by law; and for the restoration of fugitives from justice, as well as other rights, that are secured to them by the Constitution and laws; we can not be expected, after having won a signal victory upon this very question of protection to slavery in the Territories, to now surrender it to our opponents.

I am not authorized to speak for my party in these matters, but as an humble member of the party, I am free to say, that I have long admitted that the demand for the repeal of the Personal Liberty Bills of the Northern States, that are offensive to the Federal Constitution, and the enforcement of the Fugitive Slave Law, at all hazards, should be granted. If the Fugitive Slave Law is obnoxious, and I know it is, repeal or modify it; but let us have no resistance to the Government, or nullification of laws in any State. While I would concede this, I would demand that the laws of similar nature upon the statute books of Southern States be repealed also, and that suitable protection be guaranteed to northern citizens doing business or traveling in the South. In a word, both sections should be put upon an equality, and the rights of all should be equally protected. Slavery should be unmolested in the Slave States, and freedom protected every where.

As much as I abhor the institution of slavery, as much as I deplore the unfortunate condition of these enslaved human beings, as much as I desire to see our country freed from its blighting effects, I would, while it exists by law in any portion of our country, shoulder a musket in its defence, where it so exists, as promptly as I would resist foreign aggression, or suppress domestic treason. Yea, more; I would put forth the same exertion to arrest and punish the Northern Abolitionist, who would steal and secrete slaves, as I would the Southern Secessionist. Both alike are traitors, and richly deserve punishment. Such is my Republicanism, and such I believe will be the doctrine of the incoming Administration. I shall be greatly disappointed if the inaugural of Mr. Lincoln does not avow equal rights and constitutional guarantees to every section of the country, including the enforcement of the Fugitive Slave Law at the North, protection to slavery where it exists by law, as well as submission to the

laws in the rebellious States. Less than this, for one I will not be satisfied with, and the people who have elevated him to the Presidency, will expect this much of him. Upon no other platform can he stand and maintain this Government. That is my Republicanism, and I believe it will stand the ordeal of the party test. Entertaining these views, I cannot concede that the alleged grievances are real, and can arrive at no other conclusion than that the South is pursuing its present mad career only because it has lost what it has held for the last half century—the control of the Government—or else it makes the election of a Republican President a pretext to carry out its long cherished designs of establishing a Southern Confederacy, in order to re-open the African slave trade.

There is no hostility manifested towards the South by the Republicans, no overt acts have been committed by them upon the South, or the Government, nor have they had the power to oppress the South if they desired to, for they have never had a President or either branch of Congress. Therefore I arrive at the conclusion that every power of the Government ought to be exerted, with prudence and discretion, to enforce the laws against their lawless subversion by the revolutionists. If we concede the right of a State, or States, to set at defiance the laws and Constitution of the General Government at the will or caprice of the people for imaginary wrongs, then we have no Government worth preserving. While I acknowledge the duty and prerogative of the Federal Government to execute the laws in cases like those presented by the seceding States at the present moment, I am free to say, that there are obligations that we owe to each other that would dictate a resort to all reasonable measures to effect reconciliation, before the application of force to command obedience.

But in my judgment, the memory of the American Government will go down in infamy, and become a hissing and a by-word, if the treasonable plots set on foot in the Southern States are not dealt with by the strong and efficient arm of Federal power, if other means fails to bring them back from their transgressions. I am, therefore, prepared to sustain by my vote and influence, the resolutions reported by the majority of the Committee, believing that they give a correct expression to the true Union sentiment that should fill the breasts of patriots in times like these. Believing, also, that they correctly reflect the views of a large majority of the people of this Union-loving State who are now looking to us for an authentic expression of opinion in the present crisis.

I cannot resume my seat without a word as to this apology for secession, the withdrawal from the Union of the Pacific Coast, and the establishment of a "Pacific Republic."

When this proposition was first promulgated, it was deemed so supremely ridiculous and criminal that its serious consideration was scarcely entertained by any one. But since the Democratic party, by its members in Congress from the Pacific, and by leading members of this Legislature, together with their sympathizers in California, have undisguisedly avowed themselves in favor of this scheme, we are bound to regard the measure as an important feature in the platform and creed of our opponents. And what is the object and intent of this doctrine? And what are the aims and motives of its advocates?

Really, it is but another name for secession or revolution. It contemplates and encourages a disruption of the Union for the purpose of building a miniature Republic of the dissevered fragments. Not having the strength and courage to pass a secession ordinance, as have five or six Southern States, the more plausible plan is adopted of counselling the formation of a Pacific Empire, in case the South separates from the Union, as a remedy for all our ills, and a panacea for the loss of our glorious Union. Having indorsed or sanctioned in the most emphatic manner, the course pursued by the seceding States, the Democracy of the Pacific have no other course left and be consistent, but to advocate secession in this State, and strive to accomplish it. And to this end there is every reason to believe their best energies are being turned. Their representatives in Congress openly advocate the scheme, the leaders of the party in this Assembly and the Senate have avowed similar sentiments, their party journals are committed to the plot, while rumor has it that a secret organization exists in this State, whose object is the accomplishment of this treasonable scheme. Who are the parties, then, engaged in this matter? They are those, and those only, who indorse secession at the East, and they are actuated here by similar motives as their brethren on the Atlantic. Political power is passing from them, and rather than see it quietly go into the hands of their opponents, they would see the country ruined, that they might have another chance at the offices in a reconstruction of the Government, which they expect would follow.

I can designate the crime that attaches to the movements of these men in no milder terms than *treason*, and the conspirators for a Pacific Republic as *traitors*. Those are harsh words, but they are such as were designed for such dark deeds, and for the enemies of their country.

There is a class of men in California, and they have their Representatives in the National Congress, who have had absolute power and control of political affairs on this coast for ten years—who have monopolized the offices—fattened upon Federal patronage—robbed the country of its substance—traduced every person who differed with them in opinion upon the Nigger question—controlled our elections, foisted themselves into power, and defied all restraint to their selfish ambition, who now, as the Federal offices are about to be taken from them, manifest their real character by turning upon the power that has nursed and protected them, and destroying the best Government on earth, that they may have an even chance to glut their selfish ambition with the enjoyment of the offices of a newly constituted empire. Oh shame, where is thy blush?

What have we to gain by separating from the Union, if other States do? What cause of complaint have we to make to the General Goverment? What advantages shall we secure if we dissolve our connection with the other States? Or rather what sacrifices shall we not make if we consent to such a dissolution? These are questions that interest every citizen of California, and they should be duly considered before we listen to the idea of a separate Republic upon the Pacific coast. Notwithstanding our greatness and boasted importance, and in many

respects, perhaps, deservedly so, we are but a weak and isolated outpost of this Government, entirely dependent and unprotected.

It is true we have poured almost untold millions of gold into the lap of commerce, which has thrilled every artery of trade throughout the world—yet we have been the recipients of more benefits from the Federal Government than we have given in return. We, in common with most of the Southern States, are deeply indebted every year for the postal facilities afforded us by the Government. We do not pay our own postage. Even now, Uncle Sam, with all his faults, is being taxed with the distribution of incendiary documents, which "Pacific Republicans" are scattering broad cast over the State, including that bundle of heresies which has been denominated "Treason Made Easy."

As with our mail facilities, so with every other tie and interest that connects us with the General Government. We are far more dependent than able to confer any advantages. Let this link that binds us to the Union be severed, and our condition would be dark and fearful indeed. The meager mail facilities, now enjoyed, would be crippled or abolished; the means of communication and transportation greatly embarrassed, and the prospect of the construction of the Pacific Railroad destroyed. Our extended sea coast and indifferent and incomplete fortifications, would leave us at the mercy of any fourth or fifth rate power, and we should be considered fair game for the ambitious and covetous nations of the earth, who have long desired to possess themselves of domain upon the Pacific, as a door way of the rich commerce of the Indies.

These, with a multitude of kindred evils, would be our portion in the event of a dissolution with the Federal Union, while no advantages present themselves, except the opportunity to possess the offices, by the discontents now seeking to overthrow the Governmeut.

No, Mr. Speaker, there is no hope or safety for California but in its attachment to the glorious Union, founded by our fathers. Whatever may be the course of the discontented States of the extreme South, the only true policy of those upon the extreme West is to avow and adhere to their allegiance to the present Government.

There is no cause for a separation on the part of *any* State. The grievances alleged are unfounded; they are imaginary, and ought not to produce all this turmoil.

As a citizen of California—as a Rrepresentative upon this floor—as a citizen of the United States, and as a Republican, having full faith in the doctrines and policy of the party, I avow here my adhesion to the Federal Conststution, and my determination to stand by the Government as it is, in the proper execution of its laws, against *all* transgressors, whether they be found in John Brown raids—resistance to the Fugitive Slave Law—re-opening the African slave trade—treason, robbery and theft in the President's Cabinet—resistance to the laws by secessionists, or whatever oposition, come from whatever source, may be made to Federal authority. And what is duty for me, I believe is duty for every American citizen, and the loyalty of its citizens implies the fidelity of the Government to its laws and supjects.

If asked whether I am in favor of force and coercion, to suppress rebellion in the South, I answer in the most positive and emphatic terms, that I believe it is the duty of the Government to take possession of its property in the shape of forts, arsenals, custom houses, and whatever has been ruthlessly seized by the rebels against the Government. It is unnecessary to wage war upon a State, or upon a section of the Union. The execution of the laws and the protection of Government property, is not an act of warfare. If, however, one, ten, a hundred, or a thousand people put themselves in the way and thereby get hurt, and perhaps killed, it is their misfortune, and the result of their folly, but not the fault of the Gouernment. It may, and doubtless will, cost millions of money, and thousands of lives, to place the affairs of the Government where it was when Mr. Buchanan took the traitors into his Cabinet, but at whatever cost the majesty of the laws of the Constitution should be vindicated—treason suppressed, and traitors punished.

I therefore sincerely hope tho voice of California may go forth in the resolutions to be adopted by this Legislature, saying to the Federal Government, "California still asserts her loyalty to the Union, and pledges her support to the authorities in the execution of the laws against their lawless subversion from any and all sources."

STATE OF THE UNION.

SPEECH

OF

HON. W. D. HARRIMAN

OF PLACER,

ON THE

Resolutions upon the State of the Union,

DELIVERED IN THE

ASSEMBLY OF THE STATE OF CALIFORNIA,

FEBRUARY 26th, 1861.

SACRAMENTO:
1861.

SPEECH.

The Union resolutions being under consideration—

Mr. HARRIMAN said—

Mr. Speaker—I am not ambitious to be known here or elsewhere for my "much speaking," and I should be silent now if there was a reasonable prospect that the Legislature would proceed to the practical business of legislation. But the Democratic majority here think proper to allow this discussion to go on, and as I have not heretofore claimed the attention or occupied the time of the House, I trust that I shall be indulged in a few remarks upon the resolutions under debate.

Upon the legal and constitutional questions involved in this discussion I have nothing to say. Those questions were long since *settled*, so far as human reason and legal precedent could effect such a result. If a problem of constitutional law could not be understood by Webster and Clay, or worked out by Marshall and Story, vain indeed would it be for us to attempt its solution.

For the first time since the organization of the Government the Union is in danger of permanent dissolution. Heretofore, when politicians and demagogues, for selfish purposes, have raised the cry of nullification and disunion, the people in every section of the country have proclaimed, in tones not to be mistaken or resisted, that "the Union must and shall be preserved." At present, this state of things is changed. The leaders of the people—the representative men of one section of the country—now boldly and defiantly proclaim that "the Union must and shall be destroyed." The people hear the treasonable sentiment with applause and proceed to embody it in the solemn acts of their Legislatures and Conventions. In this unfortunate state of things is involved the greatest political question of the age—shall the Union and Constitution be maintained?—a question of incalculable consequence to ourselves and to the cause of popular constitutional government throughout the world.

In discussing this question we should speak not as Northern men, not as Democrats or as Republicans, but as Americans—as men worthy of that Union and Constitution which we wish to maintain and preserve. For one I should be willing to forego every educational predilection, every personal feeling, every party prejudice and party emolument, I should be willing to make any compromise but a compromise with injustice and wrong, any concession but a concession of principle, and any sacrifice but a sacrifice of honor, to preserve in fraternal peace the Union of these States. The natural outlines of our vast empire, its geographical position, its climate and productions, its rivers, its lakes, and its mountains, all proclaim that God designed that we should remain one people with one government and one destiny. So complicated and intermixed have all our relations and interests in the Union become by railroads, canals, telegraphs, trade association,

speech, blood, tradition and memory that the continuance of the Union has become not only a geographical but a social, moral and political necessity. The Union constitutes one great, perfectly developed and powerful body, bound and held together by ten thousand nerves, veins, arteries and ligaments. The interest, strength and safety of the whole requires the unison of all its parts. And if all other means should fail to preserve the integrity of the Republic, it will become our solemn duty to take the sword. It cost our fathers a seven-years' war and calamities untold to transmit to us the institutions and freedom which we enjoy. Those institutions and that freedom can only be preserved by the American Union, and this generation would be recreant to its duty and faithless to all its high obligations if it should shun a fourteen-years' war if necessary, to transmit the Union unimpaired to its descendants.

But we are told that the Government ought not to use *force* to preserve its existence. What !—has the millennium come? Has the time arrived when governments are to be held together solely by "brotherly love," and laws executed only by unanimous consent? Has the time arrived when minorities shall coerce majorities, commit perjury and treason with impunity, trample under foot the laws which they themselves have helped to make, and seize without punishment and without rebuke property which belongs to the whole people? No right to use force! Insidious doctrine !—fruitful of treason, anarchy and crime. Civilized society could not exist for a moment without using force to execute its regulations, and no government has existed or ever can exist without having both the will and the power to enforce its laws. The parent must use *force* to correct a disobedient child—a fireman must use *force* to extinguish a spreading conflagration—a constable must often use *force* to execute the process of a justice of the peace—counties and States must use *force* to execute their regulations. In all the relations of life, in every branch of society and government, we see a constant and necessary exercise of *force*. Yet we are gravely told by men, calling themselves Democrats, that a great and powerful government, extending over 30,000,000 of people—a government instituted by the wisest statesmen and political philosophers the world has produced—a government representing the will of a vast majority of its citizens, has no right and no power to enforce its laws, constitutionally made, if perchance, those laws conflict with the changing prejudices and varying interests of a meager minority. The theory that the General Government cannot use *force* to execute its laws carried out to its logical consequences, means this: *No Federal law can be executed without unanimous consent.* Because if the Federal Government cannot enforce its laws upon the 270,000 people of South Carolina without their consent, it cannot execute its laws upon one-half of that number without their consent, or one-fourth, or one-fifth, or any portion of that number, however small. Where is the charmed line which divides that portion of society which is bound to obey the laws, from that portion which can violate them with impunity? Where is the charmed line running through society, on one side of which the government can use force to execute its laws, and on the other side of which no such force can be exercised? There is no such line. The government has a right to use force to execute its laws upon all of its citizens singly or in the aggregate—or if the theory that the government cannot use force be true, then we are driven at once to the "lame and impotent conclusion" that the government cannot enforce its laws upon a single individual without his consent. Lame and impotent, indeed, must such a government be.

History informs us that our fathers abolished the old confederations for the reason, that it was powerless to execute its decrees; and yet it is maintained that they established in its place a government more impotent and powerless still! This theory, that the government cannot use force to execute its laws, is treasonable in conception, false in fact, absurd in theory, and contrary to all the precedents set by the founders of the Constitution and the Union. Mark the man who advocates

the doctrine. Let the people put a brand upon him. He may cover up the naked deformity of this doctrine by the ingenuity and special pleading of the gentleman from Sutter, (Mr. Montgomery,) or conceal its hideousness by the smooth rhetoric of the gentleman from San Joaquin, (Mr. Laspeyre,) but for all practical purposes he is false to the government and an enemy of the Union—a disunionist for the sake of slavery, willing to sacrifice the freedom of 25,000,000 of the white race in the vain and useless attempt to bind stronger the chains of 4,000,000 of the black race. Such a crime for such an object! O, rare union of infamies! The great issue, "Union for the sake of freedom; or, disunion for the sake of Slavery," which the Breckinridge Democracy has forced upon us, will in a few months be tried by the people. In the county which I have the honor in part to represent, Bell and Everett men and Republicans, forgetting all minor questions, should stand shoulder to shoulder upon this great issue. The honest masses of the Douglas Democracy will never follow into the disunion Breckinridge camp the leaders by whom they have been swindled and betrayed; and the friends of the Constitution and the Union will not rely in vain upon the patriotic Irishman or upon those industrious and intelligent foreign born citizens who speak the language of Goethe and Schiller. And throughout the State, farmers will rally in the valleys, merchants and mechanics in the cities, hard working miners will come forth from their tunnels and from all the gulches and cañons in the mountains, and California, true to her interests and to the instincts of a generous patriotism, will render an overwhelming verdict in favor of the Union and the Constitution as it is. Neither the Knights of the Golden Circle, nor the secret conclaves of democratic leaders, or the machinations of trading politicians and office-seekers can ever seduce the people of California into the dark chaos of treason and disunion.

The intelligent and scientific physician seeks to discover the cause of the disease by which his patient is suffering before he prescribes a remedy or gives hopes of a cure. What is the cause of the sudden, strange and terrible disease by which certain members of our body politic are afflicted? What aggression has been committed upon the seceding States of sufficient magnitude to justify them in destroying the most free, the most perfect and the most beneficent government the world ever saw? What great outrages have been inflicted upon the people to justify them, in history, for pulling down a government reared by their fathers at infinite cost—a government fruitful only of blessings to themselves and on which hang the best hopes of the world! History must answer that the people of the South have administered this government from its infancy—that it has secured to them the most perfect civil and religious freedom—that it has protected their persons and property at home and abroad, and that under its protecting shadow they have enjoyed a growth in wealth and prosperity unexampled in the history of nations.—This government the South proposes to destroy, not because it has worked them any injury; not because it has failed to accomplish all the objects for which it was instituted; but because some of the State legislatures have wounded their prejudices by passing personal liberty laws. My native State has a personal liberty law, or law to prevent kidnapping within her borders. For this great crime she has lately been slandered in this capitol by one of her sons, and for this she has been arraigned by South Carolina. Vermont needs no defense of mine. The first State to be received into the Union, she will be the last to prove faithless to the obligations the Union imposes. Her people, descendants of the kingly men who landed at Plymouth rock, virtuous, intelligent and patriotic, always faithful to the great interests of humanity and freedom, will not go to South Carolina to receive instruction in matters of conscience or constitutional duty. The bones of Vermonters and other New England men, slain in defense of South Carolina are now moldering at Camden and Eutaw Springs. And if necessary, the descendants of those men will again visit South Carolina, to protect her against foreign enemies or to maintain the Union and enforce the laws. By the present liberty laws of

Vermont, no person can be seized and forced out of the State without a trial before a competent court, with a jury, verdict, and judgment—all of which acts are necessary to constitute that "due process of law," without which the Constitution of the United States declares "no person" bond or free "shall be deprived of life, liberty or property." The people of Vermont believe that their personal liberty law is constitutional—at any rate it has never been decided unconstitutional by any competent legal tribunal. And whether constitutional or unconstitutional, it has never been of the least practical injury to the South, And it yet remains to be proved that the slave States have ever lost a solitary slave or dollar's worth of property by the operation of any or all of the personal liberty laws of the free States. Iverson of Georgia frankly remarked in the United States Senate that the personal liberty laws of the free States had never injured the South, and that the hue and cry about their existence was all a pretense and a sham—a "lame and impotent" excuse for rebellion and treason.

Again, the seceding States justify their action upon the ground that the Fugitive Slave Law has not been faithfully executed. The South, then, is herself at fault. It is the duty of the General Government to execute that law, and the South has had full control of the government since that law was enacted. This specification looks "lame and impotent" also. The constitutional obligation to return fugitive slaves exists, and should be faithfully carried out. But many features of the present Fugitive Slave Law if not unconstitutional, are offensive to the people of the Free States. That law takes away the trial by jury, suspends the writ of *habeas corpus*, strikes down all the great bulwarks which the Constitution has thrown around the personal liberty of the citizen, and enables any slaveholder to come into the Free States, seize, kidnap and carry off into slavery a "person" with less cost, less formality and less evidence than is required of a Northern man who goes into a slave State to recover a horse which has been stolen from him and sold. Notwithstanding its odious features this Fugitive Slave Law has been, ought to be, and will be faithfully executed. We must look further than this to discover the real causes of the disease by which the seceeding States are afflicted.

Previous to the Presidential election there was no secession or disunion at the South; since that election no Personal Liberty Bill has been passed; the Fugitive Slave Law has been faithfully executed, and the South has not been prevented from taking her property into the territories. In short, no insult or aggression has been committed upon the South since the Presidential election, and if secession did not exist before that time, and if no occasion has been given since that time, then it follows that the causes of all this difficulty must be the result of that election ifself. Does any person, for a moment, suppose that if John C. Breckinridge had been elected President that this difficulty would have arisen? Never. The South, in quiet possession of the offices, eating at the public crib, would not for once have thought of the Personal Liberty Bills, the non-execution of the Fugitive Slave Law or the aggressions inflicted upon her by the North, until the four years' term of office was about to expire, when, no doubt, she would have become aroused at the terrible insults inflicted upon her, and the Union would once more have been in danger. The freedom of speech and of the Press does not exist in the seceding States, the masses of the people know nothing of Republicanism but what they learn from its enemies, and it is not strange that they should wish to destroy the government rather than be ruled over by such unjust and unscrupulous monsters as *honest* Democrats have told them we Republicans are. The Southern politicians by trade, disappointed, chagrined and mortified by defeat, feel that they have been "weighed in the balance and found wanting." They *know* that the "scepter has departed from Judah," and that the magical power of their favorite section is broken and lost forever, and they also feel determined to ruin the government which they cannot rule. There is a third class in the South—the property holders—the quiet, intelligent, substantial men of the community—men devoted to

their families and their estates—this class has not yet spoken, and it will not speak until its domestic peace and pecuniary interests are materially affected.—When this *third class* does rise, the noisy rabble and the politicians by trade, will cower and slink away like the cur under the lash of his master. Upon this class we may yet rely to save the South from anarchy, and the country from civil war.

The election of Lincoln by the free States alone, was certainly an anomalous circumstance in the history of the country. From the adoption of the Constitution to the present moment, the South has dictated and controlled the policy of this government. From the inauguration of Washington to 1854, the South ruled the country with a good degree of moderation and justice. At any rate the North was satisfied. Busy with her commerce, her manufactures and her great material interests, the North was willing that Southern influence should control the government so long as those influences were national, conservative and just. During all this long period of 65 years, the South never advocated the extension of slavery into all of our national Territories. She never maintained that slavery was the highest form of civilization and a blessing to be perpetuated. She never maintained that slavery was a national institution, fostered and protected by the Federal Constitution. She never denied but that Congress possessed the power to prohibit the extension of slavery into our national Territories. She never denied but that slavery was an evil, a wrong, a local institution which existed by virtue of positive local law alone. While such was the theory of the South for the 65 years previous to 1854, her practice was not less conservative and just. A Southern statesman, whose name will be immortal as the founder of the Democratic party, first conceived the novel idea of surrounding slavery with a cordon of freedom. A Southern President in 1789, signed a bill to prohibit slavery forever in all the national territory we at that time possessed. A Southern President in 1820, acting under the advice of South Carolina's greatest son, signed a bill to prohibit slavery forever in 800,000,000 of acres of our national domain. In short, all our Southern Presidents except Taylor have left their signatures upon acts of Congress prohibiting slavery in the territories. Whenever the South asked for a measure of particular advantage to the peculiar institutions she always conceded something to the North; if she demanded Texas, she was willing that slavery should be prohibited in the northern portion of it; if she demanded a fugitive slave law she was willing to prohibit the slave trade forever in the District of Columbia. Such was the theory, such the practice of the government as administered by the South from its origin up to 1854. I repeat, both this theory and this practice was always satisfactory to the majority of the free States. And if the country acquiesced in any measure calculated to strengthen or perpetuate slavery, it was an exception to the general policy of the government, not as its rule. Previous to 1854 the sentiment of the people North and South, the acts of the government in all of its departments and branches, the decisions of the Courts, both State and Federal, the creeds of political parties and factions, all went to confirm and establish these two great principles:

First. Freedom is national—Slavery is sectional.

Second. Freedom is the rule—Slavery the exception,

Since 1854, that evil hour when a nation's faith was violated, and a solemn compact trampled under foot to extend slavery into Kansas; a compact which S. A. Douglas had declared had become "canonized in the hearts of the American people as a sacred thing"—from that evil hour to the present, the South has struggled to force a new pro-slavery policy upon the country—a policy which outrages eighteen free States, and shocks the reason and conscience of 20,000,000 of people. The South now maintains that slavery is a blessing, the highest form of civilization, and that every other interest in the country must bend to strengthen and perpetuate it. She now maintains that slavery is not a local institution, and does not exist by virtue of local law, but is a national institution to be fostered and

protected by the national government—that Congress has no power to prevent the extension of slavery, but that this monster can trail its long, scaly and desolating form into all of our national territories and there rear its hydra head far above all power that exists in the government or in the people. The South, within the last six years has completely reversed those two great prineiples which she herself originated and interwove with all the acts of the government for nearly three-fourths of a century. She now boldly proclaims: That slavery is national and freedom sectional! That slavery is the rule—freedom the exeeption! These principles are not more unjust, sectional and disgraceful in themselves than the means which have been used for the last six years to force them upon the country as the settled policy of the government. All the influenee of the Federal offices, all the power of the Federal Government has been used for the last six years by the South to establish this new policy. For this unjust and sectional purpose the legislative department of the government has been corrupted, the Exeeutive department prostituted and the Judiciary has trailed its ermine in the dust. In the vain and desperate attempt to force this new pro-slavery poliey upon the country a great and glorious party, dating back to the infancy of the republic, a party worthy of such leaders as Jefferson, Jackson, and Polk, a party powerful in numbers, perfect in organization, invincible with the moral prestige of unnumbered victories, has been rent asunder and its members arrayed into hostile factions. The same cause that has divided the Democratic party, foreed the Republican party into existenee. Its sole and only mission is to bring back the government to the principles upon which it was administered for the first 65 years of its existence—principles of justice, moderation, conciliation, clustering around and intertwined with that other great fundamental principle, that Freedom is national, and Slavery sectional.

The American people, after months of deliberation and reflection, have decided that the Federal Government "established to seeure the blessings of liberty to ourselves and our posterity," shall not be degraded into a mere machine to strengthen and perpetuate slavery. They have decided that this government was not made to protect exclusively the interests and property of 250,000 slave holders. They have decided that the interests of free labor and the rights of her white men are worthy of a *little* consideration at the hands of the government. They have decided, in short, that the new pro-slavery policy which the South has pursued for the last six years shall be repudiated, and the government brought back to the principles upon which it was eonducted by Jefferson, Jackson and Polk. As a Jackson Democrat, I bow to that decision. Let politicians in the North, as well as the South, beware how they trifle with this verdict of the people. Let them beware how they attempt to set it aside by eompromises to be violated by coneessions to be made precedents for future demands, and by alterations of the Constitution, to lead to other mutilations of that sacred instrument hereafter.

The seeeding States refuse to submit to this verdict of the people. Be it so.—We have nothing to fear from external enemies. The monarchs of Europe, seeing the seeds of disorganization and revolution around them, are busily engaged watching their neighbors and strengthening their governments. And if the terrible trial must eome, this is perhaps a favorable time to test the strength of our government. While I dread the temporary evils which would flow from sueh a confliet, I do not fear the result. The friends of the Constitution and the Union would have the advantage vastly in numbers, in wealth, in position, in science and discipline, and in all the *material* of military and naval war. Besides, they would have the sympathies of the civilized world, and to use the words of Jefferson, "God has no attributes which in such a conflict would side with the champions of human slavery." Possibly the use of the sword may yet be prevented. It is proposed to reconstruet the confederacy. But this plan will fail. The people of these States are now bound together by the noblest Constitution and system of laws the world has ever produeed; by the strongest legal and moral obligations the mind of

man can conceive ; by the strongest ties that human wisdom, human interest and human integrity can invent. If all these chords can be snapped asunder and the confederacy dissolved, the Genius of the Union, taking her last flight from our country, may exclaim in the bitter words of the weeping Wolsey,

"Farewell ! a long farewell to all my greatness ! "

Again : It is proposed to save the Union by a compromise and guarantees, but the guarantees must not all come from one side. If the North consents to settle the Territorial question by adopting the Missouri Compromise line, the South should give material and substantial guarantees that she will not trample it under foot whenever it suits her interests or convenience so to do, as she did the compromise line of 1820. If the North gives additional guarantees for the return of fugitive slaves, the South should give guarantees that American citizens traveling in her section, or engaged in lawful business there, shall not be mobbed, expelled or murdered with impunity, simply because they were born in the North and hold opinions common to the civilized world and the fathers of the Republic. If the North gives guarantees to repeal her personal liberty laws, the South should give guarantees that if her favorite candidate is defeated at the next election for President she will not attempt to break up the government and destroy the Union, but will submit with unusual respect and decency to the verdict of the people. With these mutual guarantees I should be satisfied. As a friend of the Constitution, I would take nothing less. As a friend of the Union I would demand nothing more. Let us not yet " despair of the Republic." True, the heavens are black with clouds.— We see the forked lightnings, and hear the mutterings of the distant thunder ; the sea is boisterous, and Scylla and Charybdis rise up on either hand ; but our noble ship of state may yet withstand the storm and pass safely through the great peril.

In a few days the government will be brought back to the policy of the fathers— a policy originated by the South, pursued by the South, and under which she enjoyed unexampled prosperity for three-fourths of a century. If the South consents to the re-establishment of that policy, all will be well. The great mission of the Republican party will then have been accomplished. It will cease to exist. The Constitution and the Union, unharmed by the storm, will stand forth in all their towering majesty and strength. Under their protecting shadow will thrive, and flourish, and grow, all of those noble institutions which our fathers planted— the fruits of which we have tasted and enjoyed, and for preserving which we shall be blessed by the latest generations who inherit them.

Let the South acquiesce in her former policy, and the dark clouds which now shroud our political horizon will pass away, our manufactories, our workshops, our marts of commerce and trade all over the land, will resume their wonted activity —territory after territory, passing through its infancy and pupilage, will join our noble galaxy of matured and fraternal States, and the noise of the wheels of our national progress will be heard throughout the world, cheering him who in other lands is struggling for freedom and human rights, and looking to us for hope, encouragement and example.

STATE OF THE UNION.

REMARKS

OF

HON. ROBERT HENDERSON

Of El Dorado County,

ON THE

Resolutions upon the State of the Union,

DELIVERED IN THE

ASSEMBLY OF THE STATE OF CALIFORNIA,

Tuesday, March 5, 1861.

SACRAMENTO:
1861.

REMARKS.

Mr. HENDERSON said—

Mr. SPEAKER: Although one of the youngest and most inexperienced members on this floor, I do not deem it either out of place or out of order, to add my voice to the volume of sound that has already echoed in this and the adjoining Chamber, in favor of the Union, the Constitution, and the maintenance of the law. On ordinary occasions, sir, I am averse to claiming the attention of this House. On ordinary occasions, I record my favor or opposition to any particular principle or measure, in my vote merely, leaving to those who are qualified by experience and endowments the pleasure and excitement of discussion. But there are times when to be silent is to be criminal. There are occasions when the contest demands every voice as well as every vote. There are occasions when the humblest soldier in the ranks is expected to perform extraordinary duties. The defiant notes of rebellion that echoes across the continent, the whispered treason at these very doors, the applause that resounds to disunion statements along these galleries, admonish us that such times and such occasions are upon us. The period for the development and manifestation of whatever is true and loyal to this Government has arrived. Now from every man is demanded a patriotism unreserved, unbounded, unqualified. Whoever attains not to these, approaches not the standard or stature of a patriot.

If, sir, it is not too much of an assumption for me, I will say that at such a time I am not disposed to be silent. For, however much I may be exceeded by gentlemen on this floor in stature of mind or body, I allow none to exceed me in truth and loyalty, in unshaken fidelity to this American Republic. Sir, we are in the midst of a great crisis, a calamity, a dreadful calamity, hovers over our country. No time during the eighty-four years of our existence as an independent people, has our country ever approached a period, laden with so much peril, as now. The revolution and its long struggle, the war of 1812, the political strifes of 1820 and 1850, financial disasters, internal contentions and discussions, neither separately nor all combined, contained anything like the dangers that to-day imperils the very name and existence of our country. Sedition, disunion, treason, dark and damnable, stalk all over the land unrebuked and unpunished, embracing within their hideous arms, the disaffected, the prejudiced and the fickle, the unscrupulous and the ambitious, all those who can be cajoled or flattered, and all those who can be made the victims of fallacies, sophistries and all manner of specious reasonings. Heretofore, men wrote of an impending crisis; already one is upon us. Already men who owe to this Government their heartiest obedience, have taken up arms against its constituted authorities, attacked and taken its defenses, and despoiled it of its property. Plain and palpable acts of treason and rebellion have been com-

mitted—acts of war and spoliation. At all of which millions stand aghast, and reprobate such conduct. Our late Administration beholding it all, quiet and imbecile as ever, hesitating to perform its duties, overcome by its fears.

I do not propose to enter into the enumeration of the causes that have produced this lamentable state of things. They are many, proceeding from many sources, and from both great sections of our country. They are few indeed to whom may not be attributed some portion of guilt in this matter. But enough for us who have to deal with facts, the results are upon us whatever the cause. Disunion and its kindred sentiments assail us on every hand. It is not philosophy or learned dissertations, therefore, we want so much as action—instant, complete and emphatic action in the premises. The true, the vital, the only question, in view of the present state of affairs, is, What is to be done? What is to be done with this puny arm of rebellion, that has been raised in this unholy manner against the Federal Government and Federal Union? Patriotism, humanity and mercy, the past, the present and the future, the law, the Constitution and the testimony of the fathers, cry, put it down. Who dare give any other response? I cannot, sir. I, sir, can give testimony to the supremacy of the Federal Government. I had, sir, to become a citizen of the United States, before I could act in the least public capacity in this State. My first allegiance is, therefore, due to the Union; that to the State is most certainly subordinate to it. Four times I solemnly swore to support the Constitution of the United States. I cannot, I dare not, violate such sacred obligations.

I will not, as I said before, go into an examination of the causes that have produced the evils we now deplore—the effects we would fain avert. Such task has been well and ably done in this House, and in a masterly manner in the Senate Chamber. To me it would, therefore, had I all the competency necessary to perform such an important task, prove profitless to attempt it, and to you and this House, most uninteresting. Therefore, it is, sir, in what I may say, I will not endeavor to be systematical, but give my views generally on the matter and subject under debate, and show to this body—and those who sent me here—my position and prepossessions.

I do not pretend, Mr. Speaker, to specify the manner in which the laws which have been violated shall be vindicated, or how the property wrested shall be recovered or restored, or how the dignity of the Republic shall be upheld in bringing to justice those who have fired upon our ships. But that there should be vindication, that there should be recovery or restoration, that there should be justice administered, I boldly assert. But here I am met by gentlemen crying war—this is warring on the South. I deny it. We want the laws enforced. Surely that cannot be war. What are laws good for, if they are not enforced? What is Government? Government is a thing that governs, that guides, and if need be, *compels*. I do not clamor for war. There is no necessity for war. But individuals, collectively or separately, must not impede or obstruct this Government. I deprecate a war of sections. I am profoundly impressed with the horrors that would attend a civil war in our country. And, sir, while I am a citizen of this Republic —being neither a Northern man nor a Southern man—I have neither so much love for one section, nor antipathy to the other, as to wish for the elevation of the one and the subjugation of the other. I, sir, would be as tender of the rights and honor of South Carolina as any gentleman on this floor, for after all, there is glory in her name, and "with all her faults I love her still." But her assumptions of peculiar sovereignty, I can never admit. We cannot grant to her a right or a power, which we would scout and scorn, if claimed by a new State asking admission into the Union. I have heard in this debate, gentlemen eloquently talk of the tyranny of coercion. Now, sir, I can allow no man to exceed me in a love of freedom, and of the widest extent of human action. I hate, I loathe, I abhor, in the very depths of my soul, with every energy of my nature, tyrants and tyrannies. I

am a latitudinarian in all that relates to the government of the people. Democracy, pure and undefiled, I early learned to love and appreciate. And because of all this, I am not in favor of or cannot countenance treason or rebellion against a government that guarantees all that I ever dreamed of in relation to the rights of man. I cannot, therefore, deem the action of the secessionists justifiable. I cannot, therefore, sing peans to disunionism. I cannot, therefore, pour libations to anarchy and disaffection. But in the case of these people, I may repeat and apply the memorable exclamation of Madame Roland, "Oh! liberty how many errors are committed in thy name." It is, therefore, not my loyalty to tyranny and coercion, but my enthusiastic devotion to freedom, and its bounteous institutions, that warms my heart with indignation against every enemy of the Union.

I said, sir, rebellion must be put down; without it is, what a miserable destiny will be ours. Is our Government firm, wise, just, strong and indestructible? or is it liable to be torn and shattered by every set of demagogical tricksters, and political upstarts, who take its destruction upon themselves, those "fools that ever rush where angels fear to tread." Why, sir, let us allow this miserable attempt at rebellion and secession to succeed, and we will go down to posterity scorned as the meanest, the weakest, and the most shiftless of all generations of men. Our country has been ever noted for prompt and effectual repression of every attack upon her power and her rights. She has compelled, in the short course of her career, the haughtiest and most powerful nation the habitable globe has yet seen, twice to acknowledge her power and position and bow in the dust of submission before her. And shall we, sir, suffer the outrage and humiliation peaceably, of seeing this most benign of all Governments, in which all of us have so many interests, fall to pieces by dismemberment, without a word or an effort to defeat such a catastrophy. Shall we who would not tamely submit to the exactions and outrages of the surly and domineering lion of Albion, permit the howling and hungry wolf of disunion to worry and devour us. It is not to be thought of!

There is but one sentiment that should abound in all our hearts, now the most forcible saying of a mighty mind. It is "that the Union must and shall be preserved." To effect this, all minor considerations must give way. In the present juncture of our affairs, if reason can do this; if every exhibition of good feeling and fellowship can do this; if long suffering and forbearance can do this; if any possible concession or compromise can do it, we will be content. I certainly will feel unbounded joy. But if force is necessary—force to recover property; force to preserve property; force to compel obedience to the laws—I dare not shirk the point—I am for force. A Government that is not strong cannot be just. Here again, sir, I suppose I shall hear a shriek against coercion. I don't desire to cant. I find nothing to startle one in it. It is a good and forcible word. I accept it. All insubordination must be suppressed. The refractory must be made obedient. All violators of laws and Constitutions must be coerced. All this is certainly right and proper; without being endowed with this power, and often without the exercise of it, no government could exist. Therefore this talk about the horrors of coercion is childishness and deserves no consideration. Why, the men who talk in this style, evince the merest tyroism in the knowledge of the fundamental principles of government and their just application. They would perpetuate a government, not by the exercise of its legitimate powers, but by an abandonment of its duties, and failing to perform its most necessary functions. They have a higher appreciation of negative than affirmative qualities.

I am almost shocked at the tone of levity in which some honorable gentlemen talk of the Union, as if it were a thing of no moment or worth, as if it were only known by its tyrannies and exactions. I believe in State Rights. I also believe in the unity of the Republic. I am for each acting within its own sphere. I am not for a single State transcending the power and bidding defiance to the whole Government. Admit the right—secession—that some contend for, and the exten-

sion of our Government would be a positive evil. Each new State would be a source of weakness instead of strength. For the more numerous the States, the greater the danger that some would grow discontent. But the admission is preposterous, the best evidence that it is so lies in the great fact, that the Federal Government, under the Constitution, has lasted so long; if it contained this principle the right of secession, this germ of weakness, it could not have existed half the time it has; long since this whole political fabric would have been a heap of ruins. I like, however, this principle of State Sovereignty, and Government in its reasonable and modified sense; it works admirably. I see in it one of the great elements of our prosperity; it renders government easy, practical, profitable and pleasing. But, sir, above everything and beyond everything, do we owe to the Union, all the great and transcendent blessings we enjoy. It gives life, and power and efficiency to State Government. The peace and glory of our country, our wide and ever extending prosperity, our safety and our liberty, daily admonish us of its superior and superintending power. Dissever this Union, annihilate this Government, resolve it into little detachments of independent sovereignties, and you might perchance have more freedom of a certain sort; but it would be the wild and haggard freedom of the Indian on the plains, or the Arab in the desert.

There are many other thoughts that force themselves into one's mind in the contemplation of this question. Every sensible man knows that South Carolina and the other seceding States, cannot stay out of the Union, that it is an utter impossibility; the attraction of gravitation is too strong for her or them to resist. I say, sir, let her and her sister States take care; and I do not say this as a threat, for terrors are only held out to the lowest classes of mankind. Whether she goes out of this Union, peaceably or otherwise, she or they cannot impede the onward march of liberty, civilization and the Union of the people of the North American Continent. I have no compunction of conscience with regard to negro slavery. I believe the negro race wherever it is found, must always be held subordinate in law and society to the white race. But, sir, in the Union or out of it, negroes can not stand and maintain their place in the face of the wonderful increase of white men in this country. No foot of land on this continent on which a white man can live, but in the course of events, a white man will occupy—negroes, like Indians, will dissolve before their irresistible march. Therefore, do I despise the cant of those who are ever fearing for freedom, and prating of preserving the soil for freemen.

But to return to the thread of my argument, with respect to secession. A trio of American Democratic statesmen having met in conclave at Ostend, in Europe, asserted it as a proposition, that Cuba could not be allowed to stand in the way of American safety and progress. All the arguments used in this case will apply with equal force to South Carolina. And here I must correct one most erroneous and unjust sentiment prevailing in the minds of some gentlemen, with regard to us who advocate the exercise of those just powers, granted to the Government for its preservation, and that is that we are actuated by feelings of hostility to the South and her institutions, almost thirsting for our brother's blood. I don't know the man in our ranks, who is animated by any such sentiments, or guided by any such motives; but even if there was one, I don't want to know him. The party I belong to, sir, is governed and controlled by the highest, purest and most conservative principles and feelings, and in that calm, dispassionate, intelligent million of voters, who in the last Presidential canvass, supported Douglas for President, is to be found the greatest hope of our country. They, with the Union-men, lately, have been the only true conservators of our country's institution. Then, sir, it is not mere hostility to the South, or a mean and unworthy prejudice, that governs our judgment at present. No, the Democratic party has always discountenanced the violation of the laws by any men or body of men, whether abolition mobs at the North, vigilante mobs in California, or secession mobs at the South. But from

what I have said I deduce the following: We must allow nothing to interfere with our duty to our country. We must sacrifice our feelings, our prejudices, even our interests on the altar of devotion to her. All this local feeling and State pride is very well, it is amiable and poetic, but an excess of it is nonsense. With every American, there should be nothing else politically nearer to his heart than the Union. No love or loyalty should come between him and his dearer and more comprehensive country.

But to conclude, Mr. Speaker. Because secession is destruction, because it is outrageous and wrong, because those engaged in it have no just cause for their rebellious acts, and because if they had, secession contains no remedy, and believing as I do that this Union, for all purposes of government constitutes one consolidated Republic, indestructible except by force, one in unity of power and authority; therefore, for these and many other reasons, I shall vote for the majority resolutions.

SPEECH

OF

HON. CHARLES H. KUNGLE,

ON THE

Resolutions upon the State of the Union,

DELIVERED IN THE

Assembly of the State of California, at the Twelfth Session of the Legislature

Friday, March 1st, 1861.

Mr. KUNGLE said—

Mr. SPEAKER:—It is with feelings of hesitation and difficulty that I venture to approach the consideration of this subject, and if I had consulted only my own wishes, I should now have continued silent, but a sense of duty impels me to attempt to treat with this momentous question, presented now for the first time for consideration in the history of this State. The resolutions reported here, by the majority, and by the minority of the Committee on Federal Relations, propose important changes in the condition of the Government. I shall, therefore, in the first instance, endeavor to understand the true character of that Constitution which it is proposed to deal with, and in what I say I shall be guided by no partisan spirit; but by a sincere desire to arrive at the truth. With this view, I shall go back to the moment of the commencement of our political existence, and see what was determined by the severance of the Colonies from England. The Declaration of Independence first gave us position among the nations; and it says: "We, therefore, the Representatives of the United States of America in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do in the name and by the authority of the good people of these Colonies, solemnly publish and declare that these United Colonies are, and of right ought to be, free and independent States; that they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do." Observe that the highest and most complete sovereign powers were claimed for the separate States, for they are recognized as distinct States, and not as one State or Nation, which would have been the case if there had been consolidation. For a considerable time after Independence was declared, the Congress continued to act only by proposing or recommending measures to the States. After the Articles of Confederation were adopted, each State gave but one vote upon any measure, thus distinctly proving that there was no consolidated nation.

The weakness of the infant States, and the universal feeling that unity of action was necessary for their common security, led to the adoption of our present plan of Government. What does the word Union or United States mean? Certainly not one single nation or society; but rather a family of societies, or States. The Federal Government had no authority directly from the people. It derived its powers from the States separately. And the States were very careful to provide for the recognition, and protection of their equality. This matter of making a single government was well understood at the time the Constitution was made. It was proposed, and discussed, and rejected. The freemen who had struggled through a seven year's war to establish and secure their liberty, were not simple enough to set up a new master. How can the action of the people of New York bind the people of Rhode Island? What better is it to me to have twenty millions of men rule, than to have one man; the great States may rule the small ones well, or they may not. A monarch may do the same. Sometimes a good king is found, but that is no reason why we should set one up to be our master. Every good citizen will submit to the action of the society in which he lives. But that citizen who will propose to the society of which he is a member to place itself under the control and dominion of another people, without guarantees, is a fool, and fit only to be a slave; and here I will ask of what avail are rights or guarantees for rights, if there is no means for enforcing them. I will now prove that the States are yet separate and sovereign communities, that each State is a separate and sovereign community, and that the Federal Government is only an agent of the States, exercising only such powers as are delegated to it by the States, and being only an agent it can exercise no power without the consent of its principal. The Federal Government has no right to take any action against one of the members of the Confederation. If a State resumes the exercise of those sovereign powers which it had for a time delegated to an agent, that agent—the Federal Government—has no right to complain. It is the business of the States. The Federal Government is no party to the compact; on the contrary, it was created by the compact. If, by the resumption of her delegated sovereign powers, a State embarrasses the action of the Federal Government, and thereby causes injury to the other States whose agent the Federal Government still continues to be, those States, thus injured, have a right to complain, and if the Federal Government cannot negotiate with the State and make a just settlement, let the Congress call the States together, in convention, and then let the States seek a remedy. They being the parties to the compact, have a right to alter it. But the Federal agent has not. If the Federal Government can make itself master of one State it can of all the States, and we will be henceforth a consolidated people.

What foundation is there in reason, or nature, for the proposition, that because there are more people on the Atlantic coast, than there are on the Pacific, that people should therefore, rule this people? Why, how can they rule a people they know nothing about? Could they rule us well if they wished? besides, is it safe to allow a plan which might arouse their cupidity, and cause them to promote their own interests to our injury and ruin. We are not a consolidated people and we must not become so. Common sense teaches us that a government of that kind, extending over very large regions, embracing different interests, must become oppressive to some of those interests and injurious to the people. These people will become dissatisfied, and revolt. Armies would be raised to conquor them, and no portion of the country would any

longer have any security for its rights and liberties. Northern States are as much interested in supporting this plan of government as the others. It is true that to-day they are the majority, and are seeking to crush Southern interests. Suppose you succeed, and bring back the Southern States by force of arms, and make them be a part of the confederacy? Suppose the North causes the South to abolish slavery, and that cause of dispute ceases to exist, will there not be other interests in conflict? Will not the South seek her interest in new combinations? Will they not join their natural allies of the West, and, making a controlling power, strike down the interests of the East? Perhaps a feeling of revenge will cause them to make combinations where they have no direct interest. It has been remarked by a very great man that the science of policy, is the knowledge of human nature. It is evident that sound policy, that is to say, a complete knowledge of mankind dictates to us rather to demand guarantees for our rights, and maintain the power to defend them, than to trust them to anybody. "Confidence is everywhere the parent of despotism, free government is founded in jealousy, and not in confidence; it is jealousy and not confidence, which prescribes limited constitutions to bind down those whom we are obliged to trust with power. In questions of power, then, let no more be said of confidence in man, but bind him down from mischief by the chains of the Constitution." Such is the language of Jefferson in the Kentucky Resolutions of ninety eight.

I said I should prove that the Federal government is not a sovereign government, capable of continuing its own existence without the consent of the State governments. It is not a government wherein a simple majority of the people can control. Suppose that eighteen of the smaller States should refuse to elect U. S. Senators. Eighteen States, which have but little more than a fourth of the people in them conclude that they do not want anything to do with the Federal government, and withdraw their Senators, can Congress cause their places to be filled? No. Well, the Constitution provides that each State shall have two Senators, and that a majority of the whole number shall constitute a quorum to do business; but there is no majority, no quorum to do business, and no power of compelling one. How is a law to pass? How is money to be raised, or soldiers, or any of the wants of the government to be provided for? There is no way, and the government is thus brought to the ground, and dissolved by the peaceful and legitimate action of a minority of the people, acting through their State governments, there is no remedy, no way by which the Federal government could in that event continue its existence.

Again, suppose there are forty States, and the population of the Union to be forty millions, which it will be shortly, and that thirty millions of the people live in ten States, while ten millions live in the other thirty States. Now, two thirds of the States can at any time make Congress call a Convention to revise the Constitution, and in that Convention each State casts one vote in unmaking, or changing, or dissolving, or re-constructing the Government. They submit the result of their action to their States, and when adopted by these thirty States, containing one fourth of the people of the Union, against the will of the other three fourths of the people, it will become the Constitution and the Supreme Law. Suppose that in a Convention of the States for revising the Constitution, the small States determine that they will abolish the present plan of representation, and give each State an equal vote in the House of Representatives, making Oregon, and Florida, and Delaware equal to New York, and Pennsylvania, and Ohio. Three fourths of the States can do this, but does any one suppose the great States would for a moment submit to such a change in the Government. Certainly not. They would say, that is an alteration of the compact to which we will not consent and by which we will not be bound. In a word, they would secede, and the Federal Government could not prevent it. Then it is only through the forbearance of the smaller States, and their regard for their interests, that the Union remains together. Does not this argument destroy the idea of a Sovereign National Government. Three fourths of the States can at any time peaceably end the Federal Government, it standing by a helpless spectator of the action of the States, who meet in Convention, as sovereigns, and as equals, each State giving one vote upon all questions, even upon the one which decrees the death of the Federal Agent. These are facts, there is no room for dispute about them, no man who understands the Constitution, will for a moment attempt to deny them.

Again: If the Presidential election goes into the House of Representatives, how is it decided? not by a majority of the Representatives; but by a majority of the States, each State giving one vote.

Why is the legislative branch of the government called a Congress? In every nation, that is to say in every simple consolidated nation, the law making branch of the government is called a Legislature, an Assembly or a Parliament; but all these terms were rejected and the term Congress chosen, because that word is applied to a meeting of envoys, or deputies representing States. Its selection was not accidental. It was proposed to abolish the State governments and establish a national government. Such was Randolph's proposition, and he proposed a national Legislature, instead of a Congress. This was rejected, and when it was determined to make a confederacy and not a national government, then it was decided to vest the legislative power in a Congress. It is still provided that "the President shall, from time to time, give to Congress information of the state of the Union." Article 2, sec. 3, of the Constitution of the United States.

Why does it not say *nation* instead of Union? Why, in fact, has it so carefully guarded against creating even the appearance of anything like a sovereign consolidated government? Only because such a government was not desired, and the plan would have been rejected by every State. There is but a single clause in the whole instrument which can be construed to mean any such thing as consolidation. And that is in the Preamble which declares that "We the people of the United States in order to form a more perfect union" etc. and considering this clause in connection with the rest of the instrument, it can fairly bear no such construction, as the friends of strong government attempt to give it. If it was a national sover ignty which was being established, why did it not read: we the people of America in order to form a more perfect government—that would have been the proper term to have expressed the idea now claimed by the modern Federalists. (The term Federalist applied to the friends of consolidation is wrong, being the reverse of the truth.) Besides, the old articles of confederation were in force when this Constitution was made, and that preamble written. It was not *then* a consolidated government, every one admits that fact. How then could the consolidated people write a preamble, when they were still separate States. No, it is all false; it is all assumption; it has no foundation in truth; it is a dangerous heresy, that has long been tolerated because the Union has always been popular among the people, and patriotic men who really understood the matter, trusted to the good sense of the people not to press the question of the true character of the government, into a practical one. However, the doctrines I am now explaining are not novel, nor disorganizing; but on the contrary they are sanctioned by the highest authority, and fortified by long endurance of able, and interested criticism, for from the first there has been in this government, a strong body of men who distrust and despise the people, and who make every occasion of disorder a pretext for strengthening the arm of the government, and curtailing the liberty of the citizen. They want a strong military government. Is not the proof of the truth of what I am saying to be found in the months of the supporters of the Majority Resolutions? I will read: "The withdrawal of a State from its membership and obligations in the Federal Union, in defiance of the general government, can only be accomplished by a successful resistance to the whole power of the United States." The whole power of the United States is to be used if necessary, to crush a State, and force a government upon an unwilling people, and when that power is organized to conquer States, and hold them in subjection, will we not have a complete despotism? When that power is organized, will it not rule us with an iron rod? Will we have any security for our lives, or our property, under this military rule? Will we hold them only at the will of a despotic government?—Will not our property be taken to support armies, and our people be compelled to serve in them? Will we be able to shake off this tyranny? Will we not have lost our liberty, through criminal folly? Will we not richly deserve our fate, for attempting to carry out the odious, and abominable doctrines contained in the Majority Resolutions, for the purpose of enslaving our neighbors, who have always been our brethren?—Let the people think well of these things, before they allow any such action. It is this very doctrine of enforcing the law that is always appealed to by despots, or would be despots, who want the people to entrust them with power. It is this very doctrine which brought on the Revolutionary war. The tea tax must be collected—armies must be sent to Boston. If the people resist they must be murdered. Their port must be shut up, their commerce destroyed, and themselves left to perish by starvation. It is this doctrine which England has always appealed to when she wished to destroy those brave Irishmen who said that Ireland had rights, higher and more holy than the obligations of the English law. It has been called treason for an Irishman to insist on the rights of his people. Emmet went to the scaffold as a traitor—but his country and mankind cherish his memory. His name is held sacred by all lovers of freedom—by all who can appreciate true greatness grandeur, and magnanimity of soul—he devoted himself to the good of Ireland, and while human nature weeps over his grave, the names of his destroyers are remembered only to be execrated. But he was unsuccessful and his peo-

ple are crushed into submission, or have fled to seek a home beyond the seas in the land of the stranger. Let no Irishman raise his voice, or his arm in support of this accursed doctrine.

I will ask how we became a free people, by what right? I will quote from the Declaration of Independence. I will quote the spirit, the essence, the vitality of that instrument—the clause wherein is asserted the great principle which guaranties us our liberty, and the liberty of every free people. Here is the *Magna Charta* of human rights, and it is written by the hand of God in the hearts of all freemen:

"We hold these truths to be self-evident—that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."

Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security."

And yet the supporters of the majority resolutions say that the whole power of the United States is to be brought against a people who are exercising that sacred right. Sir, we would never have been free but for that right, and we protest against its violation. The recognition of that right is the great moral bulwark of liberty. We will not see it violated; every enlightened friend of freedom will unite to resist any government guilty of this sacrilege upon the religion of humanity. How, I ask, can our Constitution deriving its authority from the Declaration of Independence, deny and destroy the vital principles of the instrument by virtue of which it exists. Strike down the Declaration of Independence, and does not the Constitution fall with it. If it is not true that our fathers did right in throwing off the British yoke, then we have no right to our institutions. And we are to this day guilty of disloyalty and treason to our rightful rulers—the English Monarchs.

I will now read from the Kentucky resolutions, drawn by Jefferson, an explanation of the true theory of our Government:

"1. *Resolved*, That the several States composing the United States of America, are not united on the principle of unlimited submission to their General Government; but that, by compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself, the residuary mass of right to their own self government and that, whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void and of no force; that to this compact each State acceded as a State, and is an integral party; that this Government, created by this compact, was not made the exclusive, or final Judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties, having no common Judge, each party has an equal right to judge for itself as well of infractions as of the mode and measure of redress."

This resolution is the first of the Kentucky resolutions, passed by the Legislature of that State in 1798: it was drawn up by Jefferson shortly after the passage of the Alien and Sedition laws, which gave alarm to all the friends of liberty, and free government. These resolutions were made a part of the Democratic Platform in 1852, at Baltimore, when it was,

"*Resolved*, That we reiterate with renewed energy of purpose the well considered declarations of former Conventions upon the sectional issue of domestic slavery, and concerning the reserved rights of the States And that the Democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia resolutions of 1798, and the report of Mr. Madison to the Virginia Legislature in 1799; that it adopts those principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import,"

They were readopted at Cincinnati in 1856, as part of celebrated Cincinnati Platform, and again unanimously readopted by both wings of the Democratic party, at Charleston and Baltimore, in 1860. It has received the sanction of the Illustrious Jefferson, and been indorsed and sustained by every Democrat who supported Mr. Pierce, in '52, Mr. Buchanan, in '56, or Mr Douglas or Mr. Breckinridge in 1860. If this is treason, the country is full of traitors, and yet when we protest against the General Government, usurping powers and crushing the rights of the people, which the State governments are left in existence to protect, we are told it is treason. Gentlemen can call it what they like. If they are ignorant of the true character of the Government, it is not our fault. If they understand the true character of it, but are preparing to destroy it because they do not like it, and if in that attempt they commit any violence to the rights of citizens, it will go hard with them Jefferson says, and all Democrats indorse him, that "the States are not united on the principle of unlimited submission to the General Government," that "if the General Government usurps powers not granted by the States, its acts are unauthoritative and void" that "each State acceded to the compact as a State, and is an integral party to it," that "the Federal Government is not made the exclusive or final judge of the extent of its own powers, but that, as in all other cases of compact, each party has an equal right to judge for itself, as well of infractions, as of the mode and measure of redress." Each party, that is to say each State, has a right to judge when the compact is broken, and to judge what mode of redress she will pursue, whether secession, or any other that she may choose. Is better evidence wanted than the Government is not consolidated, that it is a compact, that the States are not bound to unlimited submission, that the States are equal, and integral parties to the compact, that they shall judge how they will seek redress for grievances inflicted on them, or allowed by the Federal Government. I am contented to rest my case on these high authorities, and trust the people for a correct judgment.

Mr. Speaker, I have thus attempted to explain the true character of our Government; but it is necessary to pass to the consideration of the difficulties under which the country is laboring. Seven States have withdrawn from the Union; other States are preparing to follow, and will follow unless the great central States of the North take some action to quiet their fears and give them security. The fate of the country is depending upon the patriotism and wisdom of the North. The South is willing to save the Union, but she cannot. She is in a minority which cannot control the action of the Federal Government. If we wish to understand the true nature of events, we must study the causes which have produced them.

This whole difficulty has grown out of the slavery question. When the Union was made, all the States except one had negro slaves. That interest was a common one, and it was not regarded as likely to lead to any peculiar difficulty. The only difficulties to which it led in the Convention were, 1st, As to the return of fugitives; that was settled by providing that no person held to service or labor in one State, under the laws thereof, escaping into another, shall not, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due. The 2nd difficulty was as to the representation, some States having more slaves than others, and yet, not being willing to enter the Union without that part of their population was represented. This difficulty was settled by allowing three fifths of the slaves to be counted for purposes of taxation and representation. This was a concession demanded from the States having few slaves. Some of the States being sparcely settled by whites and having many slaves, were unwilling to enter the Union with so small a representation in Congress as they would have had without the provision for slave representation. The next and greatest difficulty growing out of the slavery question, was as to the slave trade. Virginia and Maryland had negroes enough, and had already stopped the slave trade, but Georgia and Carolina wanted more negroes, and Massachusetts wanted to trade in them, to make profit out of them. She had not then discovered that slavery was wrong. Her christian feelings were not then shocked at the horrible cruelties practiced upon the unfortunate Africans. The sufferings of the poor creatures in the crowded vessels which were bearing them to a cruel death, or to a life of bondage in a strange land, found no sympathy in Massachusetts. She was then, as now, the great beacon light of the world, which she kindly cousents to think for, to admonish and to rule. Is any one so ignorant as to doubt the proposition, that without Old England and New England the world would still be in darkness and barbarism. Both these countries were then very kind, very humane, very philanthropic and very christian countries. They then thought for the world, and taught it civilization, morality and religion. They, in the immensity of their egotism, had already reached per-

fection, from the lofty heights of entire excellence and supreme wisdom, they could look with understanding upon the errors and follies of the past, and give law to the future. Yet with all this humanity, and virtue, and christianity, they never discovered that the slave trade was wrong. Why, because Georgia and South Carolina wanted negroes, and there was money to be made in stealing them from Africa, and selling them.

When the question was taken in the Convention upon the supression of the slave trade, Virginia, Maryland, Delaware, New Jersey, and Pennsylvania voted to stop it at once. But Massachusetts, Rhode Island, Connecticut, North Carolina, South Carolina, and Georgia voted to continue it for twenty years, each State gave one vote ou that, as upon all other questions. The slave trade was continued for twenty years. New York and New Hampshire do not appear to have voted—probably their delegates were all absent. If the slave trade was wrong, why not stop it at once, why continue a barbarous evil for twenty years. Massachusetts never discovered that slavery was wrong till after 1808, when she could no longer steal and sell negroes; but when that time came the scales fell from her eyes; immediately she discovered the iniquity of her former conduct, and to make amends for the wrongs she had committed, she began a war upon the Southern people; she began to steal negroes which she had sold to them; she began to insist on the abolition of slavery; she began to drive the South out of the territories, and within eleven years from the day when the law compelled her to quit the slave trade, she brought this Union to the verge of dissolution, by an attempt, in conjunction with other Northern States, to deprive the Southern people of their just rights in the territories, and to dictate to the people of Missouri what sort of institutions were best for them. However, even here I can discover some hope for our country. It is this: Massachusetts admits she has done wrong once, that she has been criminal, that her soul is borne down under the mighty accumulation of untold numbers of the most monstrous crimes; that her coffers are filled with the price of human flesh. Does not this teach the world that Massachusetts is not free from error, that she has been wrong, terribly wrong, according to her own admission. Does not this also teach us that this question of slavery is not a moral one; that it is purely commercial. Did Massachusetts quit the slave trade till she was forced to? did she free her slaves till white labor became abundant and cheaper than negro labor? Is it not known that free labor will always undermine and destroy slave labor whenever there is a real conflict between them? Why, then, cannot New England cease to make herself look ridiculous before the world, by attempting to act the leader, as she has done so long, and so foolishly? Her people affect to be the head of civilization, and therefore hurry to embrace and propagate every absurd heresy, or ism, as soon as it is conceived of. They do this lest some other people should get before them with it. Their object is not to discover what is true with a view to improve the condition of their country. No, they want to be leaders. They assume that they are inherently very wise, that there is no danger of their ever being deceived, that nothing absurd could be thought of among such wise people; and while reflecting men are laughing at them, they are busying themselves with the leadership of every foolish movement. In regard to this slavery question, circumstances have favored them, and they have managed to bring our country to the brink of ruin; but the cool reflecting people of the middle States will stop their wild and wicked career. They are asking what means this fierce howl for blood which is rising from your Puritan folks. They inquire what is wrong, and how it can be remedied, and they are discovering that this rooted evil of murder and destruction is worse than none. They will never allow any armies of fanatics to bring war to their borders for the purpose of forcing government upon an unwilling people. I do not condemn the whole people of New England by any means; there is a large minority of sensible and respectable men; there always was a minority there, opposed to crazy fanaticism, and it sometimes manages to make its voice heard. The minority compelled the fanatics to quit hanging the witches, and to quit hanging folks who differed from them in religion, to quit flogging the Quakers, and have checked them in many other things. Something must be wrong in a society, when Legislators get up in the Capitol of a State, and propose to insult, and drag out, and cast down the statue of a great man like Daniel Webster, who for forty years had served the people faithfully, and the greatness of whose genius had reflected an honor upon the State which allows itself to be disgraced by such disgusting folly.

I want to hear no more abuse of South Carolina for any action she has yet taken. She has done right. Before God she has done right. I expected this wild deluge of fanaticism would roll on till it was stopped at the mouth of the cannon. When it is found that these crazy vagabonds, have got to face the dangers and hardships of war they will soon become peaceable. When they see a whole country resounding with the tread of armed freemen, marching to rescue their country from this crusade of Abolitionism, they will discover their error. I say I have for several years expected this thing. I knew that if the Southern people were not inferior to any other nation of white men, they would defend themselves. I had faith in their courage. I am glad I am not mistaken. South Carolina has not deceived me. I am glad she has proved herself equal to the task. There is no grander act recorded in history than that which South Carolinia has just performed. That little State, with a spirit and determination unrivalled, placed herself in an attitude of independence of all the earth. Her friends counselled delay; they even threatened to abandon her. She did not hesitate. She held an election. Every delegate chosen was of one mind. She asserted her rights, and warned the world of her action. The act once performed, its wisdom and necessity became apparent. Other States hastened to follow, until now a new Confederacy is formed, embracing seven States, and more will yet join whenever it is necessary. I am glad that the day has not yet dawned when the American people submit to a government through fear. If South Carolinia had not resisted and resented the insult and wrongs which threatened her, it would have been said that she was afraid; that she was cowardly; that her people lacked manhood, and were fit only to become slaves; and it would have been true. I am glad that our people still have wisdom and valor. The people who submit to any thing through motives of fear cannot remain free. Does a man estimate the money-eyed value of liberty Liberty has only one price, and that is the blood of the brave and free, and that people who are not always willing to pay that price for it, cannot retain it You talk about troops, and armies and war. Who do you expect to scare? Who can you conquer? You threaten Kentucky and Virginia, as though you expected threats would effect anything. Threats will make them unite against you.

What are the facts about this matter, for it all grows out of the question of negro slavery. The North knows nothing about slavery, and says that the races of men are equal and that slavery is wrong. It is a law of nature that the inferior can not be equal with the superior. Well, we are told that all are equal. Did Jefferson, and those other slaveholders, who wrote and signed that Declaration of Independence mean that their slaves whom they were in the habit of buying and selling, were equal with themselves? Why, it is absurd! they had no such idea. Have we not seen the Indian race and the white brought into contact, and whenever they have met, the Indian has succumbed—been swept from existence either by the sword, or by the vices of civilization. Does that prove equality? Certainly not. When you bring the unequal races in contact, the inferior must be taken care of and governed by the superior, or be destroyed. Is not that history? What becomes of your free negroes when turned loose among the whites? Do not the census tables show that they decline in numbers, destroyed by their own indolence and vices? On the contrary, when they are governed and provided for they flourish and live happily. Where is the evidence that the negro can take care of himself, and advance from barbarism? I have not been able to discover it. In the earliest records of Egyptian civilization, the hycroglyphics graven upon the stones of their ruined palaces, four thousand years ago, the negro is always pictured as a servant, and his physical nature appears just the same as at this day. The Negro was made for a servant. He cannot manage society. The Negro mind lacks those high perceptive and reasoning faculties, which are necessary for the development of the difficult sciences. Has there ever been a Negro nation? Have they ever advanced from barbarism? Was there ever a statesman or mathematician of pure Negro blood? There is no record of it. Suppose you pass foolish laws making them equal with the whites, will that change their nature? Can you give them mind? The Negro in his proper place is satisfied, he dreams of no freedom, unless his mind is poisoned by some meddling fanatic. You may set them free in a country where there are but a small number of them compared to the whites. without injuring the whites seriously. In a generation or two, the Negroes will die out without much injury to the whites. But in South Carolina, to set free this semi-barbarous population is ruin to both races. Every man there knows that fact. It is nothing but destruction which you propose to these people. I am not wishing to mistate the case—there is a very large anti-slavery party at the North—a multitude of fanatics and a multitude of very well meaning folks, who have been deluded by the false stories about slavery into a belief that it was a great wrong. These people are totally ignorant about this subject—they think it would be confering a favor on the whites of the South, to set the Negroes free. I will not attempt to misrepresent the true state of Northern sentiment. I will give an evidence of what I was saying. Mr. Greeley a representative man of the Northern people, is well known to have declared himself in favor of active opposition to slavery. He said we must educate a generation in the North to hate the South.—

He indorsed and recommended the Helper book. With those things known, he came near being chosen U. S. Senator for New York within the last month, and there is little doubt that Mr. Greeley did select Lincoln and cause him to be chosen President. Mr. Seward is a representative man. He said slavery must be ameliorated, that it must be abolished, and that you and I can and must do it. He said, correct your own error that slavery has constitutional guaranties which may not be rescinded, do this and you will soon bring the parties of the country into an effective war upon slavery. Why did he want to make a war upon slavery, if not with a view to abolish it? He said there was an irrepressible conflict which must go on until the States are all slave, or all free. This he said at Rochester in 1858. Mr. Lincoln is also committed to the same views. He says in a well considered speech before the Illinois convention which nominated him for U. S. Senator in 1858, that the further spread of slavery must be prevented, and that it must be placed where the public mind would rest in the belief that it was in the course of ultimate extinction; he said further that the States would all become slave or free. I do not wish to misrepresent anybody. These are the statements made by the leaders of Northern society—they are the sentiments of the people; there can be no doubt about it. I could mention many things which I will not, to prove the truth of what I assert, that the recent great movement of Northern society was an anti-slavery movement, seeking the abolition by one means or another of the relation of master and slave. Have not twelve States under the influence of prejudice, deliberately refused to carry out the clause of the Constitution which provides for giving up fugitives?—Is not that abolitionism—these laws imposing fines upon public officers and imprisoning them for aiding in any manner to carry out the Constitution, which these officers were all sworn to support. It is the duty of a State to give up a fugitive slave, just as much, as a fugitive murderer, and to do it without any action of the Federal government. The Constitution is fugitive slave law enough. It is the duty of every public officer of any of the States to give up any fugitive slave, and of the Legislatures to provide that it shall be done; but instead, they provide that it shall not be done. They have long neglected no opportunity to insult the Southern people, and wrong them. Can the Southern States accept as rulers those men who have declared themselves a thousand times to be their enemies? Does a prudent man trust the protection of his dearest interests to his most bitter enemies? The Northern people not hostile to slavery—whence comes that declaration of Mr. Lincoln that the public mind must rest in the belief that slavery is in the course of extinction? They do not want to abolish slavery, but to win a great victory over it, and put it under the ban of the government, so that it could be crushed out by the action of government. This is no abolitionism, oh, no! While the Northern people are resting in the belief that slavery is being crushed out under the influence of the Federal government. And occasionally sending a John Brown to hurry up the process by a marauding expedition, or a negro insurrection, while spies and agents, protected by the power of the government, are scattering fire and poison, filling the South with sedition, and treason, with insurrection, and blood, and all the multitude of horrors attending it, what is the South to do? Is she to rely for protection on her enemies who have violated their oaths a thousand times in order to injure the South, many of whom high in the confidence of the new government have unblushingly committed the most shameless and wicked breaches of faith? How can the South rely for protection upon her enemies? How can she put faith in men who talk about laws higher than solemn oaths—who swear to support constitutions and then forget all about it and guided themselves only by interest or prejudice? Did you suppose that the South could exist, and prosper under this treatment? Did you expect that the people would wait with calm inaction the approach of that ruin which you are preparing for them, and then quietly submit to it? Do you not know that the constitution of human nature forbids it? Men who are free prefer to meet a danger, and know the extent of it the moment they see it cannot be avoided. It is useless to attempt by the use of any sophistry to deny the hostility of Northern sentiment. There has been such a system of falsehood and misrepresentation practiced, that many of the people are totally deceived, and it is only through the decided action of the South, that they will ever have their ideas corrected. They now find that they have been deluded, and if they are allowed time, they will come to their senses, and be willing to do justice. If anything else were wanting to justify the action of the South, it is this very claim which is set up of the absolute supremacy of the Federal government in the last resort.

This danger of centralization is a great one; it is sufficient to justify any State in resisting the usurpation of powers by the General Government.

Now, Mr. Speaker, I have endeavored to show the true character of our Federal Government, and the cause of the troubles which are alarming the country, and threatening its permanent division. I shall now inquire what shall be done? What is the proper remedy for our political troubles. This whole anti-slavery, negro equality idea, originated amid the wild frenzy of the French Revolution of 1789. A people crazy with the enjoyment of the first moment of liberty, declared the equality of the races of men. How many of these people, who made the French Revolution, had ever seen a Negro? Not one in a thousand. Yet they decreed the liberty of the Negroes in Hayti and other colonies.

Shrewd English politicians next took up this idea, and commenced its propagation. It was seen that Negro slavery was a necessary and enduring institution in the southern States; that it was not so in the North.

The policy of England has ever been to divide and conquer. Here, then, was a means to divide America. Did England want America to be divided? She did, because she dreaded our future competion. She feared the day, not distant, when our population would be two hundred millions. For we have now thirty millions, and we double in numbers every twenty-five years. In fifty years we will have one hundred millions. In eighty years, even allowing for a large diminution in the rate of increase, we will have one hundred and fifty millions of people. England feared our commercial supremacy, our manufacturing supremacy, our agriculture, and our control over the markets of the world, in tropical produce. She hired agents to come over and propagate this Abolition heresy, that it might grow strong and divide the nation. English gold hired the men who first poisoned the mind of the North. Is England honest in this? I say she is not. Fraud, perfidy and violence are the means she uses to accomplish her purpose. She shrinks from no atrocity. She preaches Abolitionism in America, and buys coolies in Asia. Is there humanity in this coolie trade. Is it not forced labor? Talk about humanity—fifteen per cent of these unfortunate people die on the voyage. They are sold at auction, and cut off from all the social enjoyments; they perish miserably; no females are taken; they only want grown laborers. I will here remark upon what I often hear spoken of. The opposition of the sentiment of the civilized world to Negro slavery.

It is well to understand these things, for a false opinion often produces much mischief.

I will inquire whether the civilized world is endeavoring to liberate all slaves, and make the races of men equal. It is said that Russia is abolishing slavery. In Russia the serfs are all white persons, and the question is entirely one of policy. It is believed that the people will be more industrious, and and more to the wealth of the empire, if set free. How is it in Asia? When England entered India, she found a rich, well cultivated country. Manufactories, towns, cities, every evidence of wealth and improvement. What did England do? She set one part of the country to war with another, and then would manage to conquer both, sometimes by war, sometimes by treachry, and bribery. She took the lands from their owners, and laid taxes and charges upon the producers, amounting to more than half the produce. Ingenuity was exhausted, in the invention of barbarous tortures for those who could not, or would not pay those enormous charges. If any resisted they were tied in large numbers before the mouths of cannon and blown to pieces, hundreds at a time, and these people are far superior to Negroes. They are peaceful and gentle in disposition, but intelligent and industrious. England has reduced one hundred and fifty millions of those people to subjection. She has torn down an old and well developed system of society, well suited to the nature of the people who had built it up. Has England improved India? Her own writers, her own officers admit that it gets worse every day. Her cold blooded mercenary barbarity, practiced upon an unoffending people, is an eternal stain upon the English name. It was robbery prompted by cupidity, and achieved by wholesale murder. Is it liberty and equality that England has given to India?

What are Russia, and France, and England doing in China: murdering the Chinamen and taking possession of their country, in order to enslave and plunder them. We even are complaining of Japan because her government tries to shut up her ports, and keep her people apart as a last and only means of saving them.

England and France are both carrying on, with a high hand, the slave trade. They carry off people and sell them into slavery; but far worse than that they destroy whole nations of men; they take possession of civilized and prosperous countries, and reduce the people to slavery. Have England and France, and Russia, any other object, than to injure and enslave the Chinese in their present efforts to upset the government of that country. And they will succeed. Although the Chinese are far superior to the negro, they are still unequal to the whites, and I have no hope that they can save themselves, even the pious Abolitionists rejoice at every victory over these

unfortunate races. Why, I recollect that three years ago, when England was perpetrating crimes in India that chilled my blood with horror to read of—when she was blowing thousands of men from the mouths of cannon, and slaughtering indiscriminately, men, women and children, the Abolitionists of the North fell on their knees, and gave thanks to God. Yes, because England was an anti-slavery nation. These Abolitionists rejoiced at her success in reducing to hopeless and bloody bondage, a hundred millions of innocent people. What other business than robbery and murder has England ever had in India? None. The spirit of the civilized world is opposed to slavery. Ah, indeed! What is England doing in South Africa and France in Madagascar, and in the regions of the Senegal? taking possession of the country and fastening chains on a whole people. This is a thousand times worse than the slave trade, and even that they carry on. France is carrying negroes to her islands, and selling them into slavery, and the government sanctions it. It is the disposition of the white nations, whether they are civilized or not, to overrun and conquer, and reduce to servitude, or destroy all the other races. They are at it to-day on a larger scale than ever before. Asia and Africa are doomed.

This miserable anti-slavery sentiment, which you have heard spoken of, as that of the civilized world, is nothing but a special sentiment, manufactured at the instigation of British Diplomatists, who want to divide the American States, by setting the North to quarreling with the South. The honest anti-slavery men of America are but the dupes of the English, who are using them to destroy our country and root out free institutions from among the whites.

No legislation will make the races of men equal, for nature has made them unequal. No legislation will make the negroes capable of maintaining a free government.

What is to be the future of the white race is now to be decided. Whether under Democratic and Constitutional forms of Government, our people are to make progress, and achieve a higher and nobler destiny than any that have proceeded them, or whether the best feelings of humanity, the empire of truth and reason, which appeal to the conscience and heart of men, are to be crushed out for ever under the iron heel of a military despotism.

Are we ready to give up all that we have hoped for, even all that we have attained—to close our ears to the voice of humanity, and again set up the brutal and bloody forms of government which have so long held in degradation the human race?

This is what you propose—that men have no longer any rights, even in America. That only governments have rights that the people are made that they may pay taxes, or be soldiers to murder their neighbors, who dare to demand their rights. The sword may be useful to defend a free people, but when it becomes the arm by which they are governed, they are no longer free.

You are often talking about civilization. I belive the mad bigots who surround us, are not civilized. These men are barbarians, whom we hear thirsting for the blood of the women and children of Charleston. These people who are plotting how they can raise the half savage negroes to murder refined women and innocent children; to blight with fire and desolation a million happy hooies of our countrymen. They are not civilized—they are ignorant, bigoted brutes, worse than cannibals. The light of civilization has not yet broken upon their sordid and cruel natures.

I will now show that there was no power given to the Federal Government to make war on a State, or to execute laws by force and against the consent of the States. This matter was well understood by the sagacious men who made the Constitution; but some might not understand this. I will quote from the proceedings of the Convention which made the Constitution, and show the opinions of the founders. On the 29th of May, 1787, Mr. Randoiph proposed that power should he given to the Federal Government:

"To negative all laws passed by the several States contravening, in the opinion of the National Legislature, the articles of Union, or any treaty subsistiug under the authority of the Union; and to call forth the force of the Union against any member of the Union failing to tulfill its duty under the articles thereof."

To negative all laws violative of the articles of Union, and to employ force to constrain a State to perform its duty. Mr Pinckney's proposition on the same day was:

"And to render these prohibitions effectual, the Legislature of the United States shall have power to revise the laws of the several States that may be supposed to infringe the powers exclusively delegated by this Constitution to Congress, and to negative and annul such as do."

The proposition giving a power to negative the laws of the States, passed at first hurriedl, without consideration; but upon further examination, full justice was done it. Upon the subject of force, Mr. Madison said, moving to postpone the proposition to authorize force:

"Mr. Madison observed, that the more he reflected on the use of force, the more he doubted the practicability, the justice, and the efficacy of it, when applied to people collectively, and not individually. A union of the States containing such an ingredieut, seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than an infliction of punishment, and would probably be considered by the party attacked as a dissolution of all previous compacts by which it might be bound. He hoped that such a system would be framed as might render this resource unnecessary, and moved that the clause be postponed.—[*Madison Papers—Debates in the Federal Convention*, vol. 5, p. 140.

Mr. Mason said:

"The most jarring elements of nature, fire and water, themselves, are not more incompatible than such a mixture of civil liberty and military execution. Will the militia march from one State into another in order to collect the arrears of taxes from the delinquent members of the Republic? Will they maintain an army for this purpose? Will not the citizens of the invaded State assist one another, till they rise as one man, and shake off the Union altogether? Rebellion is the only case in which the military force of the State can be properly exerted against its citizens. In one point of view, he was struck with horror at the prospect of recurring to this expedient. To punish the non-payment of taxes with death was a severity not yet adopted by despotism itself; yet this unexampled cruelty would be mercy compared to a military collection of revenue, in which the bayonet could make no discrimination between the innocent and the guilty. He took occasion to repeat, that, notwithstanding his solicitude to establish a national Government he never would agree to abolish the State Governments, or render them absolutely insignificant. They were as necessary as the General Government, and he would be equally careful to preserve them."—*Madison Papers—Debates in the Federal Convention*, vol 5, p. 217.

Mr. Ellsworth, upon the same subject, said:

"Hence we see how necessary for the Union is a coercive principle. No man pretends the contrary; we all see and feel this necessity. The only question is, shall it be a coercion of law, or a coercion of arms? There is no other possible alternative. Where will those who oppose a coercion of law come out? Where will they end? A necessary consequence of their principles is a war of the States one against the other. I am for coercion by law—that coercion which acts only upon delinquent individuals. This Constitution does not attempt to coerce sovereign bodies, States, in their political capacity. No coercion is applicable to such bodies; but that of an armed force, if we should attempt to execute the laws of the Union by sending an armed force against a delinquent State, it would involve the good and bad the innocent and guilty, in the same calamity.—[*Elliot's Debates*, vol. 2, 197.

Alexander Hamilton said:

"It has been observed, to coerce the States is one of the maddest projects that was ever devised. A failure of compliance will never be confined to a single State. This being the case, can we suppose it wise to hazard a civil war? Suppose Massachusetts, or any large State, should refuse, and Congress should attempt to compel them, would they not have influence to procure assistance, especially from those States which are in the same situation as themselves? What picture does this idea present to our view? A complying State at war with a non-complying State; Congress marching the troops of one State into the bosom of another; this State collecting auxiliaries, and forming, perhaps, a majority against its Federal head. Here is a nation at war with itself. Can any reasonable man be well disposed toward a Government which makes war and carnage the only means of supporting itself—a Government that can only exist by the sword? Every such war must involve the innocent with the guilty. This single consideration should be sufficient to dispose every peaceable citizen against such a Government."—[*Elliot's Debates*, vol. 2, p. 233.

But, sir, strong as these gentlemen were against giving the power to exert armed force against the States, some of the best and ablest members of the Convention were in favor of giving Congress control over State action by a negative. Mr. Madison himself was strongly in favor of that; and if that power had been granted, the first of the personal liberty bills that were passed would have been the last, for Congress would at once have annulled it, and the other States would have taken warning by that example. Mr. Pinckney's proposition was brought up, that "the national Legislature should have authority to negative all laws which they should judge to be improper." He urged it strongly, Mr. Madison said;

"A negative was the mildest expedient that could be devised for preventing these mischiefs. The existence of such a check would prevent attempts to commit them. Should no such precaution be engrafted, the only remedy would be in an appeal to coercion. Was such a remedy eligible? Was it practicable? Could the national resources, if exerted to the utmost, enforce a national decree against Massachusetts, abetted, perhaps, by several of her neighbors? It would not be possible. A small proportion of the community, in a compact situation, acting on the defensive, and at one of its extremities, might, at any time, bid defiance to the national authority. Any government for the United States, formed on the supposed practicability of using force against the unconstitutional proceedings of the States, would prove as visionary and fallacious as the government of Congress."—[*Debates of Convention, Madison Papers*, vol. 5, p. 171.

That is, of the Congress of the Confederation. Well, sir, Mr Butler said to that, he was "vehement against the negative in the proposed extent as cutting off all hope of equal justice to the distant States. The people there would not, he was sure, give it a hearing;" and on the vote, Mr. Madison, aided by Mr. Pinckney, got but three States for it, and of these three States one was Virginia, and he got Virginia only by a vote of three to two, General Washington in the chair, not voting. The proposition, therefore, was directly put down, but it was not killed forever. On the 17th of July it was renewed, and Mr. Madison again urged the Convention to give some power to the Federal Government over State action:

"Mr. Madison considered the negative on the laws of the States as essential to the efficacy and security of the General Government. The necessity of a General Government proceeds from the propensity of the States to pursue their particular interests. This propensity will continue to disturb the system unless effectually controlled. Nothing short of a negative on their laws will control it. They will pass laws which will accomplish their injurious objects before they can be repealed by the General Legislature, or set aside by the national tribunals." * * * * "A power of negativing the improper laws of the States is at once the most mild and certain means of preserving the harmony of the system. Its utility is sufficiently displayed in the British system," &c.

This was again negatived in July by the same vote. Finally, on the 23d of August, for the last time, an attempt was made to give that negative with a check upon it; and it was in these words:

"Mr. Charles Pinckney moved to add, as an additional power to be voted in the Legislature of the United States:

'To negative all laws passed by the several States, interfering, in the opinion of the Legislature, with the general interests and harmony of the Union, provided that two thirds of the members of each House assent to the same.'"

Mr. Madison wanted it committed. Mr. Rutledge said:

"If nothing else, this alone would damn, and ought to damn, the Constitution. Will any State ever agree to be bound hand and foot in this manner? It is worse than making mere corporations of them, whose by-laws would not be subject to this shackle."

And thereupon Mr. Pinckney withdrew his proposition, and all control was abandoned.

The Constitution says in the 9th article of amendments:

"The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people."

Article X, says:

"The powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

And yet, in defiance of all this authority, in plain violation of all the principles of the Constitution, this Government is to be subverted and a consolidated military despotism, erected amid its ruins. You call on us in the name of the law and the Constitution, to support you in overthrowing the Constitution.

The majority resolutions say that the whole power of the United States is to be brought to bear to conquer a seceding State. Reading that, I am reminded that Lord North once proposed to the British Parliament, that it was perfectly allowable to use all the means that God and nature had put into the hands of the British Government, to crush the revolted colonies. The whole power of the Government is about equal in strength and vigor of expression, to the remark made by Lord North. If the one is true the other must be right. Has the scalping and tomahawking of women and children, in the Revolutionary War, at last found defenders, and apologists in America, and even in the California Legislature? It seems so. Why should not the American people justify George the Third in his tyrannical conduct toward our ancestors? Are we going to stultify ourselves by imitating his example, and condemning it at the same time? I ask if there is th n no humanity in our policy? Is the stronger always to rule merely because of that strength, and without any regard to the principles of justice? Are we to be shocked by being told that there is no such thing as justice? Is the world to be forever a great battle field, whereon the different tribes and factions are cutting throats for the mastery? I say, no! it must not be. The spirit of Democracy the guardian angel of human progress, of human rights, of human happiness, forbids it. War is the enemy of Democracy as it is the enemy of mankind. Under the despotic forms of military organization, liberty cannot dwell.

There are other arguments still stronger with the blind and mercenary partisans of war and rapine. Where is the money to make war on the South? The whole people will unite to resist. You cannot conquer them. You will have no money. What are the resources of the North for war? The South furnishes two hundred millions of dollars of the annual export; the North less than one hundred millions, excluding the gold and silver which is exported. The cotton sent to Europe in 1-59, was 161,000,000; the tobacco was 22,000,000; all the provisions were less than 30,000,000. These exports pay for the imports, the duties on which support the Government. Take off the Southern produce exports, and your imports will fall off. The North cannot collect more than twenty-five or thirty millions a year of duties. It requires sixty millions to support the Government in time of peace, when we have no army and no navy; in war it will take two hundred millions. How will you get that money? By taxation? The people cannot and will not pay. By loans? No one will lend you, and the people will not allow themselves to be burdened with enormous debts for any such purpose. Are you willing to be made soldiers, and sent to perish in battle, or by the fevers of the South? Do we wish to hold our lives and property at the mercy of a despotic government? You talk about the power of the North. Why, nearly half the people, including all the friends of free government, are against you at first, and their numbers are daily growing.

Is there then no remedy for these troubles? Yes, there is a remedy, but it is not war. It is not to be found in trampling on the Constitution. Appeal to the people; let the people elect delegates to meet in State Conventions, and provide for amending the plan of government, so that all will feel safe and secure under it. The South only demands justice and common courtesy. Are you willing to grant it? If so, the Union will be restored. The South wants no concessions from the North, she only demands safety, and that the Constitution which was established for the common interest and protection, shall be carried out in a spirit of candor. Equality of rights must be granted, or the Government will not remain over an united people. Offices may be got by lying to the people; but it is no use to continue to deceive ourselves. There is logic in the connection of events; if we study it, we will understand them. Prejudices must give way before the naked truth, or necessity will destroy everything, and ruin all that is in its way.

You talk about blockading the ports of the South. If the cotton manufacture in England is interfered with, her society will be dissolved. She has a perfidious and hypocritical government, but that government is always true to interest.—England gets more than two thirds of her cotton from the South. She must and will have it. So of France. The South has no interests which conflict with the interests of Europe.—The North has many which conflict.

I tell you that a reaction is taking place. The Northern people will have no war; they will either continue united on just terms with the South, or part in peace. If the Union stands sectional parties must go down. The people are not statesmen, and they generally know nothing about our difficult and complex Government, but they have common sense and can give a correct judgment, when a proposition is laid before them in an intelligent manner. I am willing to trust the people; they have now found out what is to be done. They will all reject the war policy; they cannot afford to go to cutting one another's throats, and drown the public prosperity in blood. If you want to save the Union, let the North do justice. If not, say so, and let us separate in peace. I belong to the North; my kindred live upon the borders. If war breaks out, its first storm will burst upon them, and involve them in misery; but if the North does continue her aggressive policy, my sympathies are with the South, for I say she is right. The Federal Government has no justification whatever, for threatening the people of South Carolina, by keeping up an armed force within her limits, when the State has resumed her independence. What were the forts built for? to protect South Carolina; now that purpose is accomplished, you have no right to occupy them. Why do you occupy them? It is an act of war; it is a threat against the lives of the people. Let the State be held responsible for the value of the forts; she is

ready to pay and to make a just settlement. South Carolina deserves the sympathy of every lover of free institutions, for she is teaching in an effective manner the true character of our Confederated Government. State rights were unknown, their object not understood, but henceforth they will be.

I think the Union will be restored, I know that it will be if the new Administration possesses good sense and a little patriotism. I hope that it will be found to possess these qualities If Mr. Lincoln will uphold the Constitution, I will give him a hearty support. I shall not condemn till I see what he will do.

I am opposed to establishing a Pacific Republic. We could not easily support it. I would never consent to it except as a choice between evils. I have endeavored to explain this slavery question in order to correct the prejudice now existing on the subject. I do not say that the slave institutions at the South are perfect. I do not believe they are, time and experience will yet improve them. But there is certainly no portion of the negro race so well governed and happy as that portion in the Southern States. The main features of the system are right because they are natural, and necessary; because the negro is inferior and cannot take good care of himself, and because his labor is necessary to the welfare of the white race. Look at the advance in population! Where are the millions to get food and clothing? Whence will commerce get those luxuries which every prosperous people are disposed to have, and which are only produced in the warm regions of the earth? Will those regions be allowed to lose their prosperity, and to relapse into a wilderness, because of a fanatical party in the Northern States. Will you stop the advance of population? Will you check with a pile of false books, and foul, libelous newspapers, the multitudinous steps of the human race? You cannot do it. The wants of commerce require that all the tropical countries shall be cultivated. Every negro at work in the South keeps two white men at work in the North, or in Europe, and thus maintains them. It is becoming a grave question as where the populous commercial nations are to get food and clothing for their people. They demand that the world shall be cultivated, its resources developed. White men will not cultivate the hot regions of the earth. They cannot. Suppose they could, what then would become of the negro? He would be of no use, and would be destroyed like the Indian. Would that be more humane, and kind to him, than it is to take care of him, and make him of use to himself, and to others.

The is no question as to the future of negro slavery—with the Union or without it, it will be extended. If governments stand in their way they will be removed. Governments are becoming the instruments of mankind. The means by which they effect their purposes, and they cannot long be allowed to make war upon vital interests.

I have no affection for slavery in the abstract. I was brought up in a free State, and had a feeling against it. I would yet prefer that it was not necessary. But what are we to do? Can we alter the nature of men, and things, or shall we take them as they are, and try to improve them. I always prefer the liberty and happiness of my own race to that of all others. I prefer the welfare of my own country to that of any other, and of my own State to that of any other. It is even natural that I should prefer the prosperity of my friends and acquaintances, to that of strangers. It is natural that it should be so, and I expect that it is right. We want to discard dogmas, and foolish prejudices, and he guided by the light of reason and experience, in our search after the truth in the art of government.

I will remark here that sound principles are much more important in governing a society, than territorial lines. Let the lines be where the people want them. Quit forcing governments on people without their consent. It is that which has ruined the world, and destroyed all former efforts at improvement. If it is true that we have two societies within our boundaries, let us separate, and let each take care of itself. Is not that right? Certainly it is, and you can not prevent it from being so decided. We have been told a great deal about a Pacific Railroad. Will we get it by squandering the resources of the people in a wicked civil war? One year of war between the North and South will cost the price of three railroads, and men enough to build them. The absurdity of this talk about enforcing laws upon an unwilling people is only equaled by its iniquity, nothing could be more monstrous and wrong.

When Benjamin Franklin was asked by Lord Howe as to the propriety of keeping a military force in the presence of Boston, during the period of her discontent, he said: "The army at Boston cannot possibly answer any good purpose, and may be mischievous. No accommodation can be properly entered into by the Americans, while the bayonet is at their breast. To have an agreement binding, all force should be withdrawn." And who are those sages that know better how to deal with men than Franklin did.

Some of you say now, you will not make war; that you do not propose war; that you are only going to employ force to collect the revenue. What absurdity. To tax a people without their consent is to make a war on them. It assumes that they are already conquered, and belong to you. If they resist, as they always will—if they are a free people, will it not be war? Franklin said "no accommodation can be properly entered into by a people while the bayonet is at their breast."

The British Minister did not heed his counsel. They sent armies, and the War of Revolution followed, and the treaty of separation.

You propose to imitate their example and if you do, it must inevitably be followed by the same result—a treaty of separation. How, then, are you in favor of the Union when you propose the means which will produce its eternal overthrow. Was force employed to bring any State into the Union. No, it was left to the voluntary choice of the people in each State. Is that a Union to which the parties do not agree, and yet are forced to submit? No, it is rather a despotism. It is said, that the pride of our system of government is to be founded in reason and equity; all others have originated more or less in fraud, violence, or accident. Let it depend on these principles for support and it will long endure. You threaten the people and destroy their attachment to the country, you tyrannize over them and they resist. Who is to blame? Yourselves, who are the aggressors. It is the duty of the Federal Government to take away their troops, when their removal is demanded by the State. For what purpose are they kept there?—Only because it is determined to impose a government on the South which she refuses to receive. I think I have shown that this is wholly wrong. I have thus freely spoken, I have taken my stand on great principles which must be recognized or this Government will not endure, and I shall stand or fall with those principles. I am well convinced that at this time, those principles are not well understood among the people and that they are not popular. But I know that they are true.

STATE OF THE UNION.

SPEECH

OF

HON. THOMAS LASPEYRE,

Of San Joaquin County,

Delivered in the Assembly of California, Feb. 16th, 1861.

Mr. LASPEYRE said:

Mr. SPEAKER: No language which I can give utterance to here to-day, can express the deep feelings and emotions which overwhelm me, and which press so heavily upon the public mind as well as upon my own. I rise, sir, with a conscious inability to meet the great issue that is presented for our deliberation. It is a question of graver import and more stupendous magnitude than was ever before in the hands of a legislative body.

The greatest temple of human liberty ever constructed by the wisdom of man has been rudely shaken from its base to its apex, and ere many days shall have glided into the past its tottering ruins may crumble to the ground and bury those who have been long sheltered beneath its benignant canopy into eternal, everlasting, and perpetual ruin.

We now witness an era in the affairs of mankind such as the world has never before seen, and it is one which may involve untold calamities which we cannot contemplate without feelings mingled with the deepest sorrow, and most acute pain. It is to witness, sir, the beginning of the downfall of our once glorious Republic. Yea, it may be, sir, the final dissolution and total fall of the noble fabric reared by the skill, wisdom, and ingenuity of our forefathers. But I trust that all hope has not yet been dissipated, and that we may look to him who reigns supreme in Heaven above and controls the destinies of this world below, to stretch forth his omnipotent hand and raise the veil of darkness which overshadows this continent and permit the sunlight of heaven to smile once more upon us and our beloved country.

By the swift messenger whose wonderful speed and extraordinary feats have amazed the world, we receive daily tidings that the days of the American Union are rapidly drawing to a close. The startling, alarming intelligence is constantly pouring in upon us, that State after State is rapidly leaving the Federal Union and assuming the character of independent sovereignties before the civilized world. And before many days shall have passed away our eyes may behold a bright and new galaxy in the political firmament, each star uniting one by one in harmonious union, until finally, when all united, the etherial center will present one brilliant, firm, unbroken constellation of fifteen States.

While giving range to our feelings upon this most momentous period in our country's history, and expressing our hopes and fears, and offering up our earnest prayers for our country's deliverance; while invoking the power and interposition of the deity to assist in rescuing us from the impending fires of dissolution and ruin, shall we not reflect seriously, and scrutinize the causes which have led to this blighting, blasting, and terrible issue, which now presents itself before us, and demands our careful and deliberate consideration. Shall we not as men prepared to do our duty, meet this grand and all-absorbing question upon its merits, and penetrate to its inmost depths the real causes of this terrible crisis, or shall we shrink back and cower amidst the general desolation and almost inevitable destruction of our Government, and permit those who are guilty of its immolation to range uncontrolled, unpunished, through the land. No, sir, even if I stood alone, amidst the conflicting elements, my voice would be raised in behalf of my country and in favor of arraigning the Black Republican party before the tribunal of this nation for their instrumentality in bringing our country to its present perilous position.

Now, Mr. Speaker, I propose with the indulgence of the Assembly, to present the cause of these difficulties which surround us, and to prove who are responsible for all this trouble, who are the violators of our Constitution, who are the parties guilty.

Sir, I believe the proposition will not be controverted, that slavery, or property in the negro race, exists in fifteen States of this Union. It will not be denied, sir, that the institution of slavery in the fifteen Southern States has the enmity of the new incoming Administration and the entire political organization which elevated that Administration to power; and that the hostility to slavery by that party which will shortly have possession of the Government, is the real and actual cause of the present distracted state of the country, no sane man will attempt to confute.

Now, sir, as the institution of slavery has been denounced by its opponents as a moral, social, political wrong and evil, I design to show that those who hold slaves, and defend the right, are justified not only by the laws of man, but are sustained by the laws of God, and that divine examples can be adduced throughout the Holy Scriptures, from Genesis to Revelations, to sustain my proposition. In the 13th chapter of Genesis, 14th verse, we find that "The Patriarch Abraham, when he heard that his brother was taken captive, ho armed his trained *servants* born in his own house, three hundred and eighteen, and pursued them unto Dan." Chapter 27th, verse 27th, is an instance where Abraham purchased slaves and paid money for them, thus showing slaves were recognized as an article of commodity. The title to slaves by donation or gift, is equally plain as that by purchase. Genesis, chapter 20th, verse 14th, "And Abimelech took sheep, and oxen, and servants, and handmaids, and gave them to Abraham." When Moses led the people from Egypt the Lord himself gave to him in the Desert, laws not only for morality, but also for the ritual service of religion and a civil or political code, in the great moral code known as the decalogue. The Almighty recognizes the legitimate existence of slavery. In the commandments given to Moses, Exodus, chapter 20th, 16th verse, "But on the seventh day is the Sabbath of the Lord thy God; thou shalt do no work on it, thou nor thy son, nor thy daughter, nor thy *man servant*, nor thy *maid servant*, nor thy beast, nor the stranger that is within thy gates. Seventh, Thou shalt not covet thy neighbor's house, neither shalt thou desire his wife nor his servant, nor handmaid, nor his ox, nor his ass, nor anything that is his." There are examples for you; but these modern philanthropists whose tender consciences are above divine laws, do in many respects violate these commands. Again, sir, in the political or civil legislation of which God himself is the author, here is the temporary slavery of a Hebrew. Exodus, chapter 21st, 22d verse: "If thou buy a Hebrew servant, six years shall he serve thee, and in the seventh

ll be go free for nothing." In those days slavery was not ily temporary, but perpetual. In Leviticus, chapter 25th, verse 39th, injunctions were imposed upon persons who bought slaves, not to oppress them, and not to permit the purchaser to treat them with cruelty. By reference to the Book of Deuteronomy it will be perceived that provision was made for the rendition of fugitive slaves. The excesses of masters in the punishment of slaves were provided against by the law of Exodus, chapter 21st, verses 20th and 21st: "He that striketh his bondman or bondwoman with a rod, and they die under his hands, shall he guilty of the crime. But if the party remain alive a day or two, he shall not be subject to punishment, for it is his money." This, sir, will doubtless shock the feelings and jar the sinsibillties of these Abolitionists, when the Holy law was so lenient to the slaveholder and inflicted but a conditional punishment on him for killing his slave. But, sir, amongst those barbarous slaveholders of the South, if a man kills his slave, he can claim no immunities before the tribunals of public justice, he is dealt with in the same manner and by the same process as though his victim was of the Caucassian, instead of the African race. The Holy Scriptures discriminate in favor of the master and against the slave, while the law of Southern slave owners makes no distinction, whether on account of status or color.

While pursuing this subject further, sir, in a scriptural point of view, I will now take a few examples in the New Testament. We find instances of pious and good men having slaves, and in no case do we find our Saviour imputing it to them as a crime, or requiring their servants' emancipation. In chapter 8th of St. Matthew, we read of a Centurian who, addressing the Lord Jesus, said: "For I also am a man under authority, having soldiers under me, and I say to this man go, and he goeth; and to another come, and he cometh; and to my *servant* do this, and he doeth it." In many of his parables, the Saviour describes the master and his servant in a variety of ways, without any condemnation or censure of slavery. In St Luke he describes the usual mode of acting toward slaves, as the very basis upon which he teaches many of the most useful lessons of Christian virtue. After the promulgation of the Christian religion by the Apostles, the slave was recognized and regarded as property by all the Apostles and all true members of Christ's Church. The Apostles, sir, did not consider the Christian master obliged to liberate his servants, for St. Paul on one occasion returned a fugitivo to his master, thus recognizing the law for the rendition of fugitive slaves.

You clearly perceive, sir, that the institution of slavery has existed from the beginning of the world down to the present period. There were in the days of the Patriarchs of old, various titles to slave property. There was title by purchase, by gift, and inheritance; the same manner of acquiring slave property then, exists at the present day. In the Republic of Greece, in her palmiest days, when that great nation shone forth before the world in her greatest glory, and in her pristine splendor and renown: when arts, and sciences, and letters, flourished amongst that cultivated people, slavery existed to a very great extent. In Attica, at one period, history tells us that when the citizens did not amount to thirty thousand, there were four hundred thousand slaves, and the generally acknowledged titles to slaves by the law of nations were, purchase, birth, legal conviction, or capture in just war.

Not only in Greece, when that nation commanded the respect of the world, was slavery in existence, but in Rome, in imperial Rome, in her palmiest days, when she produced jurists, philosophers, statesmen and generals, do we find it in recorded history that slavery existed and received ample protection by the laws of that Republic. By pursuing this line of argument, Mr. Speaker, I may be subject to the imputation of tedium and prolixity, but nevertheless, I have at the hazard of that charge deemed it pertinent to this occasion, for the purpose of argument, to extend my researches and investigations back to the earliest period of biblical history, to prove that God himself sanctioned the existence of slavery, and that he gave his people laws to govern the relation between master and servant. Now, sir, I will, after having proven beyond the possibility of successful refutation that the sacred Scriptures contain numerous examples and cases of the existence of slavery, and its sanction by holy writ, come down to modern times, when the laws of our mother country planted the institution upon the North American Continent. The institution of domestic slavery was in existence in the thirteen Colonies when the Declaration of Independence was made, and although the declaration declares that all men are created "free and equal," a specious and shallow argument used by the Abolitionists to prove their doctrines, does history affirm that the slaves in the Colonies had their rights and liberties outraged by the British Government? and was it then, the slave population, who declared their independence, and assumed the powers of government to defend those rights? or was it the Anglo-Saxon race who asserted independeuce and declared all their allegiance absolved from King George the Third? I imagine, sir, the most intense fanatic will not attempt seriously to reason on this point. Why, Thomas Jefferson, the author of the Declaration of Independence, owned over a hundred slaves when his immortal hand penned that sacred instrument. Why sir, what an absurd argument it is for the Black Republican party to attempt to reason from the Declaration of Independence, to prove that its framers included their slaves, when they declared all men were created free and equal; what a base, subtle, and low process of reasoning it is, sir. It is folly to pursue the subject further. Now, the Constitution of the United States clearly recognized the existence of slavery, for its framers were not blind to the fact that the institution of slavery existed in twelve out of the thirteen Colonies. And they regarded it necessary to insert a clause making provision for the rendition of fugitive slaves. In article fourth, section third, miscellaneous, you find the following language which is significant in its meaning and unambiguous in its construction:

"No person held to service or labor in one State, under the laws thereof, escaping into another State, shall in consequence of any laws or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

There, sir, in that Constitution, framed by our fathers, that instrument, which is the fundamental law of the land, slavery is recognized and provision expressly made for its *protection*. Sir, it is well known that from the year 1820 there has been an agitation of the slavery question, the excitement alternately abating and increasing, when finally the South finding that the provision of the Constitution which provides for the rendition of fugitives from labor, had not been complied with by the North, she demanded a congressional act upon the subject, to insure them protection to their property escaping into the non slaveholding States. Accordingly Congress enacted the Fugitive Slave Law, which was a re-enactment of the 4th article, 3d section of the Coust tution, the enactment being embodied in the famous Compromise Measures of 1850. This Fugitive Slave Law recognized property in slaves and the existence of the institution of slavery in the United States. Beginning, sir, with that great instrument, the Constitution, to prove the recognition of slavery by the laws of the land, I now come to the Supreme Court of the United States, that pure fountain of justice, where those profound judges sit as supreme arbiters and expounders of the Constitution and construers of its laws. That distinguished tribunal of public justice, in their opinion, in the celebrated Dred Scott case, made use of the following language. The Court said;

"Now, as we have already said in an earlier part of this opinion, upon a different point, the right of property in slaves is distinctly and expressly affirmed in the Constitution. The right to traffic in it like any ordinary article of merchandise and property was guaranteed to the citizens of the United States, in every State that might desire it, for twenty years, and the Government, in express terms, is pledged to protect it in all future time, if the slave escapes from his owner. This is done in plain words, too plain to be misunderstood, and no word can be found in the Constitution which gives Congress a greater power over slave property or which entitles property of that kind to less protection than property of any other description."

That, sir, is the opinion of the Supreme Court of the United Srtes, delivered by its learned, venerated, and revered Chief Justice, Taney? That the right of property in a slave is distinctly and expressly affirmed in the Constitution. In addition, sir, the Supreme Court, in the same opinion, decided that the Territories of the United States were the common property of all the States, and citizens from all the States had a right to go there with their property and he protected in its enjoyment, and that neither Congress nor a Territorial Legislature had a right to exclude them. Doubtless, Mr. Speaker, some gentlemen present will observe that it was unnecessary for me to recur back to the formation of the Constitution and quote from the Judicial and Legislative records of our Government to establish the fact that slavery is recognized by our laws. Perhaps, sir, they would say we would have admitted the principle you lay down without your tireing us with a recital of au hoties. But, sir, at the risk of being considered wearysome, and for my own reasons, I have adopted this line of argument, and will endeavor to make my deductions conclusive. If I fail in the attempt, it will only be from a want of ability to grapple the subject and do justice to the great theme which is before me. I have proven that slavery was recognized and sanctioned by the Holy Bible, that sacred book, inspired by God himself.

I have proven that it is an institution which has been recognized throughout all ages of the world, by all nations and countries, and where arts, science, and letters flourished.

I have shown that our Anglo Saxon ancestors planted it up-

on this continent; that when the thirteen colonies threw off their allegiance to Great Britain they all owned slaves.

I have proven that when our Government was formed, the right of property in slaves was embodied in the Federal Constitution. That Congress has recognized it as property; lastly, that the highest judicial power known in the land, has by deliberate opinion, decided it to be property.

I proposed, Mr. Speaker, in the outset of my speech to penetrate the cause of those dangers and difficulties which surround us, even though I feel wholly incapable of prescribing a remedy for the disease, for it is one so deeply seated that time and the most extraordinary change in public sentiment alone can heal. Now, sir, for a long period of time, a party has existed in the Northern part of this Confederacy, that party which was formerly known as the Abolition party, first began in an open manner to exhibit their hostility to slavery by petitioning the Congress of the United States to abolish slavery in the States. Those petitions created an agitation of the subject, but they received but little favor at the hands of the National Congress. Nevertheless, the zeal of those men, whose enmity to slavery was so intense, did not at all diminish or abate but with fostering care and fanatical enthusiasm, they nursed the fire of Abolitionism. The refusal of Congress to accede to their demands did not stifle their efforts or subdue their passions, for they continued to labor with unrelaxed energies, and pertinacious bitterness, in their war against slavery, until finally they have in their unholy crusade against the rights and properties of the Southern States, witnessed the culmination of their doctrine in a dissolution of the American Union. As I observed, sir, that Abolition party continued growing and increasing; its doctrines received nurture from varied sources in the Northern States—it has been preached from the pulpits—the sacred altars of God have been debased and polluted by its noxious and baneful contagion, it has been taught in the public schools—the pupil has, when sufficiently advanced to comprehend his alphabet, been taught that slavery was an evil, and that it was his duty when mature years should come upon him, to war against the institution and those who protected it, as he would against a foreign foe. Thus this Abolition party, gradually but steadily, augmented its members and accumulated strength, when, finally, in 1856 they presented a perfect and systematic organization, assuming, however, the more popular and euphonius name of "Republicans." Well, sir, by the combined power and united efforts of patriotic men in a few of the North rn States, that Abolition party was beaten back in 1856, and their leader, Mr. Fremont, was defeated for the Presidency. They were defeated, but undismayed by that defeat, for they were conscious of their growing strength, and they rallied their forces for the next contest. Then, Mr. Speaker, the result of the last Presidential election evinces to the world the power of this Abolition organization, they having begun their march with a small black squad of Abolition fanatics You now see them a hostile army, with victory inscribed upon their banners. Now, what is the one and only fundamental principle of this Black Republican or Abolition party, for the terms are synonomous? It is hostility, deep seated hostility, rank hatred to the institution of slavery, as it exists in fifteen States of this Union. Yes, sir, the very structure of their party platform consists in war against an institution, recognized by the Constitution, and declared to be property by the Supreme Court of the United States. I will now proceed to the task of proving that the Black Republican party are an Abolition party, and that their design was not only to prevent the further extension of slavery in the common Territories, but ultimately to abolish it in the States where it at present exists. To sustain my proposition, sir, by incontestible authority, I will first quote from public declarations made by the leaders, the chieftains of this Abolition party, and then cite you to the platform upon which that party has triumphed. Here is what Mr. Lincoln, the President elect, said in a speech made at Springfield, June 17th, 1858, "A house divided against itself cannot stand. I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved I do not expect the house to fall, but I do expect it will cease to be divided. It will become all one thing or all the other. The opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new, North as well as South."

What does that indicate? If nothing, then, Lincoln is not one of the expounders of the doctrines of his party. In alluding to the same speech, he says: "so believing, I thought the public mind will never rest till the power of Congress to restrict the spread of it shall again be acknowledged and exercised, on the one hand or on the other—all resistance be entirely crushed out." Mark you the power of Congress to restrict the introduction of slavery into the common Territories. Mr. Lincoln further says in a speech: "There is a judgment and a feeling against slavery in this nation, which cast at least a half million of votes." What construction will be placed on that declaration of the President elect? What, then, is a *judgment* and feeling against slavery which cast half a million of votes? Is this idle declamation? Again, sir, I will go a little further back into Mr. Lincoln's political history. On the 5th May, 1842, when Mr. Chase was presented with a silver pitcher, by a committee of Negroes, Mr. Lincoln said, "We feel, therefore, that all legal distinction between individuals of the same community, founded in any such circumstances *color, origin*, and the like, are hostile to the genius of our institutions, and incompatible with the true theory of American liberty. *Slavery* and oppression must cease or *American liberty must perish*." I shall quote no further, sir, from this distinguished leader of the Abolition party I might continue on and give many more of his public asseverations, equally striking, and with quite as much point and significance. I will now continue, for the purpose of proving this Black Republican party to be an Abolition party, referring to some of the speeches made by that great and distinguished man, W. H. Seward, the founder of this party.

When I say he is a great man, sir, I mean he is great in his ability to do harm, great in political turpitude, and dangerous, by reason of his power to do evil. In 1848, Mr. Seward used this language, in a speech made at Cleveland, Ohio: "The second principle of American citizenship is that our democratic system be preserved and perfected. That system is founded in the natural equality of all men—not alone all American men, nor alone all white men, but all men, of every country, clime and *complexion, are equal*." A sixth principle is "that slavery must be *abolished*." I will state here, Mr. Speaker, that comment at present upon these passages is unnecessary. Again he says: "The party of freedom seeks complete and universal emancipation." Mr. Seward advances a little further, sir, with his Abolition doctrine. He says in the same speech: "Slavery can be limited to its present bounds; it can be ameliorated; it can be and must be abolished, and you and I can and must do it. The task is as simple and easy as its consummation will be beneficient, and its reward glorious. Extend a cordial welcome to the fugitive who lays his weary limbs at your door, and defend him as you would your paternal gods. Whenever the public mind shall will the abolition of slavery, the way will be open for it."

Those are sentiments expressed, by a very distinguished man, and leader of this Black Republican party; and, sir, he is one whose influence is very potent *in moulding* the public mind, which he says is to will the abolition of slavery; he proclaims publicly, openly, boldly, defiantly, his party can, and must abolish slavery. Do you desire any stronger evidence to establish the fact that Messrs. Seward and Lincoln are Abolitionists! If you do, sir, I, for one, will not attempt to furnish proof any stronger than their own declarations, and I am sure, if I can believe them, their own party should not hesitate to give credit to what they affirm. Now here is an extract from a speech of Mr. Banks of Massachusetts: "Altho' I am not one of that class of men who cry for the perpetuation of the Union, though I am willing, in a certain state of circumstances, to let it slide, I have no fear for its perpetuation. But, let me say, if the chief object of the people of this country be to maintain and propogate chattle property in man—in other words—human slavery, this Union cannot, and ought not to stand." Those, sir, are the sentiments expressed by one of the great leaders of this party in the State of Massachusetts; and after that speech was made, Mr. Banks was chosen Speaker of the House of Representatives. He is one who has contributed so much to *mould* this public opinion against slavery. Here is another specimen from one of these great champions of human liberty: Mr. Burlingame said, "If asked to state specifically, what he would do, he would answer: First, repeal the Nebraska Bill. Second, repeal the Fugitive Slave Law. Third, abolish slavery in the District of Columbia. Fourth, abolish the inter-State slave trade; next, he would declare slavery should not spread to one inch of Territory of the Union. He would have Judges who believe in a higher law, and an anti-slavery Bible, and an anti-slavery God." These are the sentiments of another one of Massachusetts' great abolition leaders, who has assisted in *moulding* this public opinion against slavery. In speaking of the Fugitive Slave Law, Mr. Giddings, formerly member of Congress from Ohio, said: "The authors of this Law may take from me my substance—may imprison me, or take my life—but they have not the power to degrade me, by compelling me to commit such transcendant crime against my fellow man and God's Law. I rejoice that the people of the Free States comprehend this insult to every freeman at the North—public feeling is aroused; popular indignation is speaking trumpet-tongued to those servants of the people who dared thus degrade the American character, by constituting us the catch-

poles of Southern slave owners." What of that sentiment, sir, expressed by a representative man of this Abolition party, one who has done his part towards *moulding* public opinion against slavery—one who says: "you may take his life," but you cannot make him assist in executing a law of Congress and of the Constitution. He, Giddings of Ohio, a prominent leader in the Abolition Convention that nominated Mr. Lincoln, has publicly proclaimed that "the Constitution was a covenant with death, and a league with hell, and he longed to see the day when the horrid scenes of the West Indies would be re-enacted in the South; when Southern masters shall turn pale and tremble, when their dwellings shall smoke, and dismay sit on each countenance!" This vivid picture of insurrection, coming as it does with an earnest hope for its consummation, is drawn by one who moulds public opinion against Southern institutions. In addition, sir, I will quote from a speech delivered by Mr. Wade of Ohio, who now occupies a seat in the United States Senate, and is supposed to be the leader of that party when Mr. Seward is absent: "The only salvation for the Union, therefore, was to be found in divesting it entirely from all taint of slavery—there is no Union with the South. I go for a Union where all men are equal; or for *no Union at all;* and I go for right." Senator Wade, sir, speaks as the great leader of a party, who have recently achieved success; he is in favor of abolishing slavery. Mr. Seward is in favor of it; Mr. Greely and his potent engine, the "Tribune," is in favor of it: there is Wilson, Sumner, Hale, Giddings, Banks, and others of equal standing, who have declared they were for the abolition of slavery—all prominent leaders of that party have so proclaimed; they are the oracles of this party, they control it, they form the head and front of it, they made it; and made its platform, and its principles; and finally they have, as Mr. Seward has expressed it, *moulded* the public sentiment of the North against slavery, and in favor of its abolishment. Now, sir, what further evidence is required to prove that this party, styling themselves Republicans, is an Abolition party. If any further evidence is required, I will introduce the "Impending Crisis," and its indorsers. This book, was written by one Hinton Rowan Helper, a man who stole money in North Carolina, and was compelled to leave that State, to save himself from incarceration. He migrated to the North, where he was employed by the Abolitionists to write this book abusing the land he had fled from, for committing larceny. You find in this illustrious man's book the following choice paragraphs—he says: "Once and forever, at least so far as this country is concerned, the infernal question of slavery must be disposed of; a *speedy and absolute abolishment* of the whole system is the true policy of the South, and this is the policy which we propose to purpose. Slaveholders, it is for you to decide, whether we are to have justice peaceably, or *by violence;* for whatever consequences may follow, we are determined to have it, *one way or the other.*" He recommends: First, "thorough organization and independent political action on the part of the Slaveholding whites of the South. Second, ineligibility of Slaveholders—never another vote to trafficker in human flesh. Third, no co-operation with Slaveholders in politics; no fellowship with them in religion; no affiliation with them in society. Fourth, no patronage to Slaveholding merchants; no guestship in Slavewaiting hotels; no fees to Slaveholding lawyers; no employment to Slaveholding physicians; no audience to Slaveholding parsons. Fifth, no recognition of Pro-Slavery men—except as ruffians, outlaws and criminals." Well, sir, I should like for any man to attempt to deny the fact, that those opinions and recommendations of the "Impending Crisis" are not Abolitionism in its most radical form. Show me the man who will deny that, and I will point you to a man devoid of veracity, and incapable of telling the truth, under any circumstances; that programme of Helper indorses the forcible and revolutionary overthrow of the institutions of the South; and here is the sequel. a committee consisting of W. H. Anthon, Sewal, Blair, and others, to devise a plan for the distribution of this book, they say: "The undersigned having been appointed a committee in New York, to aid in the circulation of Mr. Helper's book, on the plan proposed above, beg leave to recommend the object to the public, and ask co-operation. Subscriptions may be sent to the Hon. W. H. Authon, No. 16, Exchange Place, New York, directly, or through either of the undersigned committee—Charles W. Elliott and others. Well, Mr. Speaker, here comes the indorsement of men whose opinions have moulded public sentiment in the North. "We, the undersigned members of the House of Representatives, of the National Congress, do cordially indorse the opinions, and approve the enterprise set forth in the foregoing circular—signed by Colfax, Lovejoy, Burlingame, Giddings, Sherman and sixty-three other members of Congress. Then, Mr. Speaker, we find sixty-eight Abolition members of Congress indorsing a low, vile, dangerous, and inflammatory book. The "Impending Crisis," which urges and recommends the violent and forcible abolition of slavery in the South; this book, sir, which incites murder, arson, rapine, the administering of poison to Slaveowners, and the application of all the hellish means which the fiendish ingenuity of demons could devise, meets with a cordial indorsement from sixty-eight members of Congress—Representative men of this Black Republican party, they not only commend it for the vile, infamous, and incendiary doctrines which it promulgates, but they recommend its complete circulation, both North and South; and permit me here to say, that that accursed book, receiving, as it did, the indorsement of those sixty-eight members of Congress, has done its share in moulding the popular sentiment against slavery, and hastening a dissolution of this Government. It is unnecessary for me to adduce any further facts, to prove these Republicans to be an Abolition party. The public declaration, of all its prominent leaders assert it; the open indorsement of an avowed abolition book, by a majority of their Representatives in Congress, attest the truth of what I affirm, that they are nothing more, nothing less, than an Abolition party, disguising a portion of their principles, so far as their platform is concerned, and assigning a name less obnoxious than that they formerly held. I design, sir, while examining this branch of my subject, to penetrate fully the designs, objects, and principles of this Abolition party; and to enable me to do so, I will quote from their party creed, from the platform upon which their political faith is reared; this is the platform upon which Lincoln and Hamlin fought in the last campaign: there is the Second Section—"That the maintenance of the principles, promulgated in the Declaration of Independence, and embodied in the Federal Constitution, is essential to the preservation of our Republican institutions; and the Federal Constitution, the rights of the States, and the *Union of the States*, must, and shall be preserved: and that we re-assert 'these truths to be self evident, that *all men* are created equal; that they are endowed by their Creator with certain inalienable rights: that among these are life, liberty, and the pursuit of happiness.'" Well, sir, what does that mean? that *all men* are created free and equal—black men as well as white. That declaration in this Abolition creed, accords and harmonizes strictly with all the speeches uttered by the great leaders of this party, by Seward and Hale, Wade, Sumner, Lincoln, Hamlin, and hundreds of others who have moulded the public mind to harmonize with their opinions upon this subject of domestic slavery. If they did not recognize the equality of the races, why did they engraft that in their creed. Again, sir, in regard to the common Territory of this Government, their platform is clear and explicit—Section Eighth says: "that the normal condition of all the Territory of the United States, is that of freedom; that as our Republican fathers, when they had abolished slavery in all our National Territory, ordained that no person should be deprived of life, liberty, or property, without due process of law, it becomes our duty by legislation, whenever such legislation is necessary, to maintain this provision of the Constitution against all attempts to violate it; and we deny the authority of Congress, of a Territorial Legislature, or of any individuals, to give legal *existence to slavery* in any *Territory of the United States.*" You take those two sections in this Black Republican creed—the first declaring all men, both white and black, are equals—the next denying the South any rights with their property in the common Territories, and you have the substance of their platform; take those two sections which involves a hostility to the institution of slavery, away from that platform, and that party would die for the want of political food to sustain it. This opposition to slavery, has been from the earliest foundation of this party, a cardinal, fundamental principle; it has been the polluted fountain from which they have drunk both by night and day. You can now perceive, sir, the cause, or causes of the present dangers which environ us. For a long period of years, a political organization whose principles and doctrines are hostile to an institution existing in fifteen States of this Union, have been struggling for ascendancy in the Government, and by the power and numbers of their party they have attained success. Well, Mr. Speaker, this Black Republican party while struggling for supremacy in this Government, have availed themselves of their victory in the several States, where they have become dominant, and in doing so they have done nothing more by State organization and State legislation, than they seek to accomplish by National laws. In the following States of this Union, State laws have been passed annulling the Fugitive Slave Law, and imposing fines upon persons seeking to recover fugitives, varying from one to five thousand dollars, and imprisonment in State's prison, from three months up to fifteen years—Maine, Vermont, Massachusetts, Connecticut, Pennsylvania, Indiana, Michigan, Wisconsin, Iowa, New Hampshire; those States have wilfully and deliberately annulled the Fugitive Slave Laws, by legislative enactment; those States, sir, with the balance of the non-Slaveholding States have deliberately given their electoral votes to Lincoln and Hamlin, for President and Vice President of the United States. Therefore the Southern

States apprehending danger from this organization coming into power, as it does, with war to their institutions inscribed upon its banners, are about seeking safety outside of the Union. What is Government? It is a political association of individuals, or States combined together, for certain purposes: those purposes among others, are for the mutual protection of their lives, liberties honor, and property—without those great and salutary objects in view, sir, there would be no use in attempting to construct Governments, even if the great purpose for which they seek to attain should fail, the Government ceases to be of any virtue, and no longer merits perpetuation If, on the other hand, the great objects of Government are successfully accomplished, it is a noble, wise, and beneficent institution; and deserves the fostering care, and earnest protection of those who are the receplents of its inestimable benefits. Well, sir, no man doubts, but that the form of Government under which we live, is a good one; no man denies, but that the Constitutional compact framed by our fathers, is a good one; and would, if judiciously administered, and implicitly obeyed, result in conferring great blessings upon all citizens, who claim its protection. But if a Government ceases to protect those who uphold and sustain it—if a Constitution and Government fail to afford that protection which its designers intended it should, then, and not till then, it is the right and the duty of the people to throw off such Government, and create a new one, which will in a spirit of justice, give ample protection, and secure the purposes for which Governments were instituted. Now let us examine a little farther into the subject. What is, or ever was this Union?—a community of sentiment, of opinion, policy, and of interest. Now, when it was created, its framers knew that its existence and perpetuity depended upon a continuance of those four communities—namely, sentiment, opinion, policy, and interest. Has not the Republican party, which has recently secured possession of the Government made war on this? Is it not by their incessant and persistent action and inflammatory appeals for twenty-five years totally destroyed? Is there now this community of sentiment? No, sir, it is totally destroyed. Who destroyed it? The response is easily given, this party whose principles consist in hostility to the Constitution, because they war against no institution recognized by that instrument. Well, Mr. Speaker, the Black Republican party, say "the simple election of Lincoln in a constitutional manner, by a constitutional majority, affords no grounds to the South for dissolving the Union." Now, I wish to see if they have no grounds; the Republican party has for twenty-five years been, as a party, arrayed against the institution of slavery in the South; they have, in their individual capacity, done all the harm to the South it was possible for them to do; as they have gained strength sufficient to make their war of a more destructive character, they have, in an organized form, in twelve States of this Union, by State enactments, annulled the Fugitive Slave Law; they have denied the right of property in slaves; they have solemnly and deliberately, in Convention assembled, declared that the South has no rights in the common Territory, which is the common property of all the States. Since the formation of the Government, it is estimated that the South has lost not less than $10,000,000 worth of slave property, by the escape of fugitives into Northern States. The Black Republicans say the Fugitive Slave Law is executed. How? sir, is it executed? There is not one slave in a hundred that is recaptured, and why is it so? Because public sentiment in the North is so strongly against it, that the Southern Slaveholder perils his life in attempting to secure his property; because the Northern States have refused the use of their prisons to the master; because they have affixed severe penalties on any one attempting to recover a fugitive slave. These are some of the grounds that the South has for separating herself from the North. I will give more. Within ten years the progress of the Abolition sentiment has been onward and onward, until from a small rivulet, it has become a resistless torrent, which no Union or combination of parties could stem. It has achieved victory after victory, until it now holds undisputed supremacy in almost every Northern State. In 1850, there were but five Abolitionists in the Senate of the United States.

There are now thirty Republican Senators. Nine Northern States which were then represented by Democrats in whole or in part, are now represented by Republicans, and each Democratic Senator, as his term expires, has been compelled to give way to a Republican. In the House of Representatives they have been the dominant party for four successive years, and have elected their Speaker. Scarcely a Northern State (but two at most,) has at this time a Democratic Governor, or Legislature, and four-fifths of the cities and towns in the North are in the hands of this Republican party. Withall, this party have recently elected a President upon their sectional platform, and outertaining principles in strict accordance with their creed. Then, sir, this party has the legislative branch of the Government. It has the executive branch of the Government. Sir, in the course of natural events they will shortly have the judicial department of the Government, for it is well known that most of the Judges are old and infirm, and three or four vacancies in this important tribunal must take place in a few years, from death alone, and the North is already claiming the right, by reason of a larger amount of judicial business, to have a majority of this Court. Then, sir, you find all the branches of this Government in the hands of the dominant party, whose hostility to slavery is publicly proclaimed. And though the present policy of this party is to affect conservatism, their design is as "plain as if written upon the arch of the sky." It is to seize upon all the Territories of the United States, prohibit any more slave States from being admitted. When all this has been fully accomplished, or even before, the next great measure will be to abolish slavery in the District of Columbia and in the forts, dock yards and arsenals, wherever situated. This is followed by a prohibition to transport slaves by sea, under the Federal flag, from one State into another. This will result as a corollary, from the doctrine which has already been advanced that slave property can only be protected by local laws, and is not entitled to protection beyond the limits of a State. Then, they abolish the inter-State slave trade by act of Congress. Then, to complete the subjugation of the South, the fugitive slave law will next be repealed. Well, what follows? In process of time some of the border States will become free States, gradual emancipation will take place as the lands become impoverished. Slavery is then restricted to a small area of territory, and in less than a century the slave population will have increased to such an extent that they will entirely overrun the States in which they exist, and for self-protection the owners are forced to emancipation, for their property is no longer of any value, and they have a population greater than their own in their midst which they regard as dangerous to their safety. There, sir, is this grand programme of the Black Republican party consummated—the ultimate extinction of slavery where it now exists. These are facts of fearful import, when it is remembered that the Republican is wholly a geographical party, with principles in direct antagonism to Southern domestic institutions and forms of social life, to Southern ideas of government, to the democratic construction of the Federal compact, and that it has acquired power solely because it faithfully represents the opinions, the feelings, and the desires of those who believe slavery is an evil and should be exterminated. The deadly hostility of this party to the South is manifested in every conceivable mode, and its object seems to be to put that section of the country under the ban not only of the public opinion of this country, but of the civilized world. Then, sir, I say most emphatically, with all these facts before them, the Southern people not only have just cause for apprehension of danger to their institutions, but they have abundant reason, and just cause, for severing the tie which binds them with their enemies. Why, Mr. Speaker, they talk about the power of this Government to enforce its laws. Sir, it is fresh in our memories that the Senate of the United States was powerless to enforce its mandates and compell the attendance of Sanborn, the witness in the John Brown case; yet, Sanborn took refuge in the State of Massachusetts, and the Senate had no power to procure him as a witness. It is also known that the Governor of Ohio refused to comply with the demands of the Governor of Virginia, for the delivery of two persons whose complicity with the John Brown invasion was well known. And but very recently the Governors of Tennessee and Kentucky, both made demands on the Executive of Ohio, for fugitive slaves, but their demands met with a negative response. Then there was the celebrated Burns case, in the city of Boston, before the Republicans had attained their present strength and position. Burns, the fugitive, was delivered up, but it cost the Government of the United States over three hundred thousand dollars to recapture said slave, and the Assistant Marshal was shot down while doing his duty, within the very precincts of the Court, and before the altar of justice. This money for this recapture came from the common treasury of the Government. Then, sir, the Governor of Massachusetts disbanded every Irish company in the State, simply for responding to the laws of the land, acting in obedience to the commands of the United States Marshal. To go further with this subject, there was the John Brown raid upon the State of Virginia. The Black Republicans will say, Oh! that was the raving of a fanatic, and his followers were lunatics. Grant it, sir, but where did his pikes, bayonets, pistols, and ball and cartridge come from? His pikes have the stamp of Boston indelibly impressed upon them. And this crazy crew of the North had munitions and supplies sufficient to equip quite an army of men for a winter campaign. Well, sir, I charge the bloody foray upon the peaceful inhabitants of Virginia, to the anti-slavery doctrine of this Black Republican party. A noted Boston Abolitionist, (Wendell Phillips,) a few days after this invasion, speaking of the tragic occurrence, said: "It is the natural result of anti-slavery teachings; for

one, I accept it, I expected it." Again, sir, within a brief space of time you have heard of towns in Texas being reduced to ashes, of wells being poisoned, of incendiary documents, and implements of war, in the hands of the negro population. How did all this happen? It is the result of anti-slavery teachings, and the Black Republican party are responsible for it. I say most emphatically that the aggressions, the insults, the wrongs, which have been inflicted on the South, have been sufficient to have caused a declaration of war twenty times over, if they had been perpetrated by one separate nation upon another, where there were treaties of peace and amity existing between them. It has only been the South's love for the Union, and her patriotic spirit, that has caused her to forbear so long. They have forborn so long that forbearance ceased to be a virtue. Like the Barons of Runneymeade, the Southern States have submitted to incessant, repeated and violent breaches of the fundamental charter, and now make their last appeal to revolution, the final, sovereign arbiter. Sir, men look around upon the dangers and troubles which surround us, and they naturally say, How is this, that the country should be checked in its tide of prosperity? No invading army is upon us, there is no famine in the land, harvest has been abundant. But, sir, let them reflect for a moment. The thirteen Colonies, prior to the Declaration of Independence, were, as a people, enjoying unexampled prosperity; they were growing in wealth and expanding in empire, but finding their rights, their liberties and honors were encroached upon, finding their equality was denied them by the mother country, they disregarded consequences and defied the countless legions of George the Third; and in tones of thunder those memorable words of Patrick Henry resounded across the broad Atlantic: "Give me liberty, or give me death." Thus it is, sir, with the Southern States, if equality is denied them by a Government that should be a Government of equals, they will never count the consequences of a separation. Finding the whole organized power of Government in the hands of a relentless and inexorable party who are wielding it for their destruction, self-preservation points to their safety beyond the confines of the Federal Union. The Southern States in this crisis are doing nothing more than uniting for their own self-protection. They have followed the celebrated maxim of the illustrious Burke, in his speech on "Present Discontents;" "when bad men unite, good men must combine or else they will fall one by one a pitiable sacrifice in a contemptible struggle." Just so, sir, the Southern people, finding bad men uniting for their ultimate destruction, have combined to avoid such a fate.

Sir, on Wednesday last, I listened with attention to the eloquent speech of the member from San Francisco (Mr. Cherry,) in which he has the boldness to affirm that it was the object of the Republican party to prevent the addition of one foot more of slave Territory into the Union, and the design of his party was, as is proclaimed by their great leaders, to surround the slave States with a cordon of free States, and by that means to crush out the last vestage of slavery where it now exists. These are candid and bold declarations. Now, do gentlemen have the effrontery and hardihood to tell me that the South is not justifiable in forever sundering the ties which bind them to such avowed enemies. I say, sir, before high Heaven *they are justifiable*, and the moral judgment of the civilized world will be recorded in their favor. Here is a proposition which I wish to submit: Does any man believe that if either Douglas, Breckenridge, or Bell had been elected President of these United States, the present difficulties would have occurred? I answer no, sir, peace and harmony would now prevail in this land. The reason is palpable why it would be so. Neither the party creed nor the principles upon which those candidates stood, were arrayed in hostility to any portion of this Union. This Black Republican party has talked about the demands of the South. What have they ever asked or demanded, but their Constitutional rights? I defy the most astute member of their party to show me one act of aggression the South has committed upon the North, or one demand she has made that was not warranted by the Constitutional compact. On the other hand, the South has been generous, free and liberal to the General Government. Virginia, sir, the Old Dominion, by her magnanimity and princely liberality, donated the great North Western Territory to this Government, and out of that magnificent domain there has been carved five sovereign States, which stand as lofty and enduring monuments of Virginia's generosity; and to the eternal shame of those States, four out of five have shown base ingratitude, by placing upon their Statute Books laws assailing the institutions of Virginia and other Southern States.

Again, Mr. Speaker, it has been but a brief period since the Black Republican Senators, who were on the Compromise Committee of thirteen, positively refused to admit that there was property in slaves. The Black Republican members of the House refused all overtures of compromise made by the border States. Was any spirit of conciliation manifested there? None at all! When the South has given their warning voice, they have been met by derisive sneers. They have been told, you have submitted so long you will continue to do so—these are mere political threats! When, in the last political canvass, this Abolition party said theirs was the march of human liberty and human progress, my feeble voice warned them that their road was that to human misery, and human woe. They have been beating the dead marches to the grave of their country, and now their bloody garments are dripping with the gore of a murdered country's Constitution. Now, sir, let these sages of Abolitionism come forth. I call upon Seward, Hale, Giddings, Sumner, and Wade, and a host of lesser lights of this party, to stand before this broken Union and pretend to deny their guilt and complicity in its downfall. They are the men, sir, who courted the fierce lightning, and they are now called upon to witness its devastation. These men now appeal to the memories of our revolutionary ancesters, and the cry is Union! Union! Hang the traitors! Of what avail, sir, are sentimental appeals to the memories of the Union. Glowing apostrophies to the genius of national power. Affected invocation to the spirit of our revolutionary heroes and patriot sires, when those great old patriots of a better day would, if mingling in the scenes of the present day, repudiate their degenerate sons, and rebuke this foul spirit of sectionalism which has destroyed this Government. The majority report of the Committee on Federal Relations, first denies all right in a State to secede from the General Government, and says it can only be accomplished by a successful resistance to the whole power of the United States. I shall not, Mr. Speaker, attempt to advance arguments now to prove the right of secession. I shall not weary this House by raking from the musty archives of Government the opinions and sayings of our great revolutionary heroes and statesmen, who framed the Constitution. I shall not produce, sir, any theory on Government, nor prove from Elliott's Debates, the Madison Papers, nor any other books, what Madison's, Jefferson's, Washington's, Hancock's, or Adams's opinions were 80 years ago, upon the right of secession, when a positive fact, a fixed and glaring reality is before us, *that six or eight States assert their rights, and have actually withdrawn from the Confederacy.* Although the opinions of those great men may have been very good in their day, they have nothing to do with the living issues before us. The question here presented requires our opinions, our actions, not the opinions of those who flourished in generations that have passed away

Well, sir, the second proposition in the resolution is, 'that the United States should use all power necessary to enforce obedience to its laws, and protect its property" What does that mean? It means this: Six or eight sovereign States of this Union, beleiving their equality, liberty, and rights were denied them by the Government, have exercised what they believe to be an inherent right, the right of self preservation, by withdrawing from the Confederacy. In doing so they have, for self protection, taken possession of public works, situate within their borders. Now, sir, these States believe in State sovereignty, and so believing, have delcared themselves independent of the General Government. Then, sir, how are they to enforce obedience to laws in States where no such laws exists. This enforcing laws is nothing but coercion—nothing but force—nothing but war on a State. These States compose a population of six millions of brave and honorable people, who recognise no authority of the United States Government over their institutions. Then, sir, they say, protect the property of the Government. That property is in the hands of the people of these States, and to wrest it from them you have to do it by force, and that is to make war upon those States who hold possession of this property. Well, sir, to enforce these laws and protect this property, you make a war upon the South, and a war upon the South would be but a more direct, because bloody, violation of the objects of Government. It would positively and instantly destroy every idea of the association. Then, sir, that which would instantly antagonize all the purposes of the association cannot be legitimate; it is usurpation; it is folly; it is madness; because it must destroy and not maintain at all—let alone maintaining in the original purity and original design. The association, sir, should rest and sustain itself in the affections of the people. Would war between the people sustain it or uphold it? Would war upon one section secure mutual protection of their lives, liberties, houses, and property? Is the effect of war calculated to insure these purposes and results? Not at all. It inevitably produces a contrary effect. It forever and forever annihilates and destroys the design and intention of Government. The language of the coercion resolution is, "the United States Government should use all the power necessary to enforce the law." As I maintained, sir, that means war on these seceding States. Now, what is war? It is a destruction of the lives, property and institutions of one people, by another, or an attempt to do it. What then is

the object of war? It is to prevent some great evil to the party making the war, or to accomplish some mighty good, which in the eyes of God and the great family of mankind justifies the destruction of the lives, property and institutions of some particular tribe, State or nation. Now can either of these motives of justification authorize a war upon the South by the North? Not by any means. The North cannot assume that by this separation, she will sustain evils sufficient to justify her in waging a war upon the South. What evils can befall her by this secession movement? None. Then I ask what good—what benefits, will the North derive from such a war? Is it going to add anything to her empire? Is it going to increase her wealth and prosperity? Is it going to augment her population? Will it build up and strengthen her commercial relations? The response is no,—It can accomplish none of these results. Then why is this incessant cry for force, coercion, war.

This party, Mr. Speaker, this Black Republican party, which now calls for force to compel the South to remain in the Union, have universally asserted that the South was degraded on account of the peculiar institution which she recognizes as property; that she is poor, in ruin, and but for the Northern sustenance and protection, she would have been extinguished. These things have all been said, sir, by the Abolition press, by the pulpit, by their essayists, and all of their leading statesmen. The last Presidential election has shown that all of these public men are representative men. Hence, Mr. Speaker, it cannot be to prevent evil to the North, for the dominant party have by their own public judgment, pronounced the institutions of the South a curse and degradation. Then why make war upon a race of inferiors, to compel them to live with you? Is it man's duty, as God's avenging minister, to destroy a people by waging a bloody war upon them? Will force and war again beget fraternal affection or brotherly love? Never. These specious words, so aptly used in this report, and so profusely enunciated by these coercionists, these war-makers, will, if carried out, produce a violent civil war upon this continent. While on this branch of the subject, I will notice what the gentleman from El Dorado (Mr. Conness,) said in his speech on this question. Speaking of the Declaration of Independence, he says: "Seven years of conflict succeeded the declaration of that act of secession before it was established or acknowledged, and in my judgment, seven years, and seven more added to them, *if it should become necessary*, will succeed this declaration of secession, before it can become an established fact before the country." If I can construe language, sir, that means prevent secession, prevent the South from withdrawing from the Union, even if in doing so it should be necessary to wage fourteen years of war upon her. As for my part, Mr. Speaker, I think that a poor way of preserving a Government. The gentleman's policy is first to destroy, that you may preserve. Has war any tendency to preserve or restore this community of sentiment which is so requisite to the well being and stability of Governments? If so, why did not the old thirteen States institute war upon each other in order to have produced the peaceful, constitutional Union, for they desired it in the Revolution; and from 1776 to 1787, was twelve years, before they got it. Then why do gentlemen talk of force. Was force or coercion ever used to inaugurate the system of government under which we live? Was coercion used to compel any one of the thirteen Colonies to adopt the Constitution and unite with the others? Clearly, no; it was by their own volition, the voluntary acts of the parties. Does any man pretend that if any of the thirteen States had declined subscribing to the Federal compact, the balance would have used coercive measures to have effected that union, or compel the dissenting State to join them in a bargain at variance with her policy, interests and inclinations? Certainly not for North Carolina and Rhode Island were each separate, independent States for nearly two years, and the Government made no attempt to force them into the Union, for by doing so they would have destroyed that community of sentiment, policy and interest they were then seeking to establish and create. Therefore, the same principle that prevailed in the formation of this Government, will apply in the present conjuncture of affairs. Force, coercion, war, will never preserve a Government. Now, sir, to the third proposition in the coercion report. They say after the laws have been enforced, and the power of the Government is recognized and acknowledged, every feeling of nationality and brotherhood demand that such compromises as are consistent with justice shall be made for the purpose of restoring that harmony which should characterize the people of a common country. There is not only an open, undisguised declaration of war, but they are unwilling to offer any terms of peace to the seceding States until they have duly subjugated and subdued them, and then with princely concession and compromise, after their subjugation is complete, for the purpose of restoring *harmony*, they open their paternal arms and receive the remaining portion of this unhappy family into the fold again. What a wanton insult this resolution is. Sir, what a bold and resolute set of men they are. They accept no terms, no apologies, neither make nor receive any concessions, but immediate, absolute slaughter, until all resistance ceases; then brotherly love demands that harmony should be restored. I cannot think, Mr. Speaker, that the majority of this Committee could have anticipated much support to such resolutions in this Assembly. If they were so deluded, they will shortly have most indubitable proof that they were greatly deceived in the character of this body. As to the minority report, it breathes a just spirit of compromise, and should elicit a cordial support from all true men. It earnestly recommends plans for concession, peace and compromise; its provisions are brief, but clear and pointed. It deprecates any thing like force, as such means would, if resorted to, light the fires of civil war, and forever crush the last hope of reconciliation between the opposing sections. They truly assert, sir, that California is devoted to the American Union, the whole Union; they recognize it as their common mother. And Mr. Speaker, permit me here to say, that the party to which I belong, that branch of the Democratic party known as the Breckinridge wing, have been most wantonly and unjustly assailed in this State as disunionists, secessionists, revolutionists. I deny the charge as a slander upon my party. I love this Union, and from the inmost recesses of my heart, I deplore its dissolution. I deprecate its downfall. But while I love this Union, and my country, Mr. Speaker, I love the Constitution made by our fathers with the Union. I love a government of equality and of justice. When the spirit of the Constitution has fled, there is no longer any Union. There is no personal sacrifice that I would not cheerfully make, to restore harmony, peace and concord to our unhappy country, if in making that sacrifice, the equal rights of all could be guaranteed to all sections of the confederacy. Mr. Speaker, I most cheerfully supported the compromise measures introduced by Mr. Crittenden. That compromise is the last lingering hope which is left for the salvation of our country. But, sir, we find many loud-mouthed shriekers for the Union in this body, whose names are recorded in the negative upon that plan of adjustment. This Union-shrieking, Black Republican party, have all voted against it; then where is their record?

Further, Mr. Speaker, our Resolutions declare we are not prepared to pledge our allegiance to either a Northern or Southern fragment of a dismembered confederacy; that we will not be the ally of one section in waging a fratricidal war against another section of our country. That is my position, sir, and it is one which it is the duty of all true lovers of California to take—let us be neutral; it is above all things of paramount interest for California to assume this position; for in the event of civil war upon the Atlantic side, how can we view the conflict here, coming as we do from every State in this Union, with our sympathies and affections aroused to a fever heat? If we do not stand aloof, and occupy an independent and neutral ground, then, sir, it will be a black day for California; civil war, with its detestible and concomitant horrors, will certainly be witnessed throughout the length and breadth of this State. The soil of California, which now yields a fruitful harvest to the farmer, will be crimsoned with his blood. The towns of this State, where quiet, peace, and prosperity now prevail, will, like France in the days of her bloodiest revolutions, have their streets flowing with the blood of our people.

Mr. Speaker, these are no mere fancies of the brain; they will, if the terrible contingencies to which I have alluded should occur, become as horrid realties, too gloomy and sad for human contemplation. Well, Mr. Speaker, I will say, in the event of a total dissolution of this Government, in the eloquent and forcible language of the brilliant and talented Senator from Sierra, "when the two great lobes of the national heart, Pennsylvania and Virginia, shall separate"—or, in the striking and pointed remarks of my friend from Mariposa, (Mr. Showalter.) "when the great conservative States of New York, Virginia, Pennsylvania, and Kentucky can no longer be represented in the same halls of national legislation, for consultation"—when they can no longer deliberate for a nation's benefit, then, Mr. Speaker, it is time for California to look beyond the narrow limits of a disrupted Confederacy for protection; it is time then, sir, that this Golden State should rear within her own broad domains a temple of liberty, and dedicate it to perpetual freedom. Shall we do that, and have peace, or shall we take shelter amidst the crumbling ruins of a tottering and decayed Government, and risk the fate of being plunged into a deadly and interminable fratricidal war.

Mr. Speaker, the member from San Francisco (Mr. Campbell) in giving reasons why the North passed Personal Liberty Bills, among other reasons said, "that it was on account of the injustice and inhumanity of the Fugitive Slave Law; that the Law simply required an affidavit from any person, that a slave was his property, and could recover him; that any raga-

muffin could make such affidavit, and deprive a negro of his freedom. Now, Mr. Speaker, I thought when the gentleman made the assertion, he was not stating a fact; but not feeling sure, I refrained from contradicting him. Since then, sir, I have taken the pains to examine that Law, and I am really astonished that a learned lawyer, as the gentleman is, should have been so little informed of the nature of the Law, when his comments were so free upon it? He should have been aware of its features before he made these assertions. The Law, expressly and pointedly declares that before a person claiming a fugitive, or their agent, or attorney, must have an instrument of writing, acknowledged and certified to by some legal officer in the place from whence the slave escaped, that he is the agent, owner, or attorney; they have then, by the most satisfactory proof before the Judge or Commissioner, got to prove the identity of the slave; in fact the forms of law necessary to prove any other species of property, is required in this case; and every shield and panoply that law can give, is thrown around the negro, to prevent injustice. So, sir, under that Fugitive Slave Law, any ragamuffin, as the gentleman says, cannot deprive a negro of his liberty. Mr. Speaker, the foul, stale charge has been made time and again, that Southern men in California only desired to foster and give countenance to the institution of slavery; implying that it is their desire to introduce slavery into this State. Now, for myself, I pronounce this a base and unfounded fabrication, used by political demagogues to excite sectional prejudices. Why, it is very well known that when the State Constitution was formed, two-thirds of the Southern men in that Convention voted for the clause prohibiting slavery. I detest, abhor, and loathe this dastardly, vile and contemptible practice here, to endeavor to create a sectional prejudice against Southern men. It is low, it is mean, it is beneath the character of all true men, and no gentleman, with a spark of manhood in his bosom, will descend to such schemes for estranging men and engendering hostile feelings. As for myself, sir, it matters not where a man comes from, if he is a true man, he can be my friend. Like many thousands of others in this State, long years ago I left my native home—a home that I loved dear—and sought an honest livelihood, and I trust not unworthy fame in this great land of the West. Within the broad bosom of California my destiny has been cast, and as long as life lasts, I will be ever true to the land of my adoption. Within her borders the earlier period of my manhood has glided into the past. With her generous and confiding people early associations and strong attachments have I contracted. Yes, associatians, sir, that have ripened into ties of enduring friendship, which no time can relax and the grave alone can sever. And my associations my attachments, my friendships, thank God, are not restricted to base, narrow, sectional lines. They are with true men from the North, the South, the East, the West. We have gathered here as brothers of a common country, upon the soil which was purchased by the best blood of American freemen. In this alarming crisis, Mr. Speaker, men have been sneered at for expressing their attachment to their native homes. It has been charged as treason for one to speak with loyalty and affection of the land that gave him birth. I say base is the soul and stony the heart that cannot beat with warm and glowing impulse when his home is in peril. Point me to the man who never talks nor thinks of his native home, and you see a wretch, whose heart is calloused, and whose soul has been abandoned to sin. Why should you, or I, sir, because destiny has marked this land as our future abode, banish forever from our minds all thought of the land where we first breathed the pure air of Heaven—

> "Breathes there a man whose soul so dead
> Who never to himself hath said,
> This is my own, my native land."

Mr. Speaker, we are now called upon, as American citizens, representatives of California's interest, to express through this Legislature, the voice of California, upon the most important issue that will ever again be presented for our deliberation. We are called upon to say, whether we will condemn a people whose rights, as equals, have been invaded; and who are struggling for principles dear to them. These aggressions, sir, come from those who should be their friends; they come from enemies in the same Government. But let me here say to that brave, bold, and fearless band of patriots in the North, who have stood up to the Constitution, and to Constitutional rights of the South, they command my most exalted respect and warmest admiration. For those true men, sir, I would sacrifice my life, if necessity required. They deserve and have the gratitude of all true lovers of Constitutional freedom. Sir, the small fires which the treacherous hands of Abolition fanatics have kindled along the political firmament, have now burst forth in one livid blaze, and unless soon quenched, it will wrap this Republic in one consuming fire; its flames will be swept along by the whirlwind of human passion, from State to State, from Territory to Territory, until chaos, ruin, and devastation will be witnessed on the American Continent. Should such a calamity as civil war ensue, which God forbid—should the people of the South be driven to defend, with arms in their hands, what is so dear and sacred to them—their homes, their altars, and their fires—should they be called upon to repel the invader from their borders, and they should fail, and by an overwhelming force their enemies should crush them to the earth, they will all die defending their rights; and, sir, rather than see them submit to ignomy and dishonor, and live the life of vassals wearing gilded chains, forged by arrogant and sectional oppressors, I would say, let them fill the graves of freemen. Submit! submit!—the very sound should curdle the blood in their veins. No, sir,—

> "They had better be,
> Where the extinguished Spartans still are free,
> In their proud charnel of Thermopolye."

And, sir, if on some distant day the future traveler may tread the blackened and desert wastes, he will point to the smouldering ruins, to the surrounding desolation, to the graves of a brave people, and will exclaim, here lived and died as noble a race as the sunlight of heaven ever shone upon. They lived for freedom and equality, and died defending their liberty.

STATE OF THE UNION.

SPEECH
OF
HON. SAMUEL A. MERRITT,

Delivered in the Senate of California, Feb. 5th, 1861.

Mr. MERRITT said—

Mr. President: It seems to me that in this discussion the real points which should determine the controversy have been overlooked. Many questions have been discussed which, upon a different arena, might well challenge the serious consideration of a deliberative assembly; but these topics, if not unworthy of notice, certainly are not entitled to the most prominent place here. In their relations to the practical business before us, many of these questions are mere abstractions. I do not propose to myself the cheap labor of collating the ideas of the great statesmen who have preceded us. I do not propose to array the various arguments which the exhaustive intellects of the last three quarters of a century have accumulated upon the subject of the origin and character of our political system, and the relative rights of the Federal and State Governments. I leave such matters to those whose investigations and whose tastes may point to such efforts. We have, sir, a great, vital, practical question before us. That question is the preservation of the Union. It is of comparatively little use to inquire how the Union was formed or what were the rights of the members of it; or, even, by whose agency and through whose fault that Union is now imperelled. I assume for granted that *it is in peril*. I assume that the process of dissolution has already begun; that this process is still going on; that in a few months at farthest, the work will be complete, and a political separation effected between the Northern and Southern States of the Confederacy, unless the two sections can be held in connection by conciliation, or by the sword. It is useless to disguise the fact, sir, that we stand to day in the midst of a revolution, and upon the very verge of civil war. No man more deplores this unfortunate condition of affairs than I do. No man would go farther or do more to avert so terrible a catastrophe as disunion; and I cordially indorse whatever the Senator from Napa has said in his resolutions, and in his speech in favor of the Union. If I am not the loudest in its praise, I am not the least sincere in my devotion. I may be permitted to remark that a great change seems to have suddenly come over some gentlemen's views. I do not allude now to the Senator from Napa; but there *were* a party recently who did not sing quite so lustily praises of the Constitution and the Union; they were quite passive; if not actively assisting in the desecration when twelve States, by solemn enactment, nullified the Fugitive Slave Law, passed in express obedience to the injunctions of the Constitution, nor had they the great reverence for the Supreme Court of the United States which the Senator from Napa so commends as the final arbiter of constitutional questions—for the cardinal and distinctive tenet of that party was and is, Congressional exclusion of slavery from the Territories, the express decision of that Court that Congress had no such power, to the contrary notwithstanding. Nay, sir, even now, with these laudations of the Union on their lips, these doctrines and these acts are wholly unretracted; they are not disclaimed or disavowed. Having brought on the evils which now afflict and alarm the country; having set the example of violating the Constitution and breaking the moral ties which bind the States together in a happy and fraternal Confederacy, I distrust the sincerity of such romantic professions of regard for the Constitution and the Union; for, sir, I was never quite so verdant as to believe that Macbeth was entirely sincere when, after having murdered Banquo, he professed such affectionate desire to see him at the banquet. After a course of conduct which the Democratic party of this country have ever disapproved—upon opposition to which its whole policy has been based, which it must now ignore and hold itself to have been utterly at fault in every act, deed, and word—it is now proposed by those who are so furiously bent on the instant enforcement of Federal law, to transfer the whole blame of the present difficulties to the South, and to visit her people with fire and sword. It is too late to say now and here, that this quarrel, in its origin and in the long course of its prosecution, is not the fault of the Republican States and people—not of the whole North, for many gallant men from that section have stood by the South, with a magnanimity and loyalty to truth which have done them honor; but that a long course of warfare against the rights, peace, and safety of the South has been persistently kept up, is a matter of public history. The resolutions of the Senator from Napa do so, in effect, affirm; the Democratic party in the Northern States, comprising a large portion of the people; the mass of the Bell and Everett party there; the Legislature and people of California, repeatedly and in every variety of form have so affirmed. More than this, the majority of the whole people of the United States, by their vote in the last Presidential election have so declared; for the Republican candidate received a minority of the popular suffrages. We have only to turn to the record of the Acts of unfriendly and unconstitutional legislation in the free States for the patent and unmistakable proof of this state of things. The Senator from Napa has read from the Act of Vermont—his native State, I believe—and pronounced it treason; though, in uttering that ungentle word, his voice lost something of the tone of indignant invective with which he denounced similar Acts of South Carolina. It is true that the Senator qualifies the expression by calling it "treason on paper;" but if treason, the qualification is misplaced, for the direct tendency and effect were to encourage resistance, and the Act itself is a substantial resistance to law, and has the moral virus of treason—and of a treason looking directly to overt act, unpalliated by a pretense of necessity or even of provocation. But, I do not rest here. I appeal to the Republicans themselves. Out of their own

mouths shall they be condemned. Judges of their own faith—the venerable McLean among them—every Circuit Judge of the United States who has had an opportunity of passing on the question—recently the Supreme Court itself—declaring that the Marshal of the United States was not subject to the process of the State Courts, in respect to his custody of a fugitive slave—Webstor, Choate, Woodbury, Winthrop, nay, even Mr. Lincoln himself, have affirmed the constitutionality of this Act of Congress. Nor these only; I have here the opinion of the venerable Chief Justice Shaw, one of the ablest and purest jurists of America; of Judge Parsons, of scarcely inferior fame, and a number of other eminent sons of Massachusetts. I read from an address to the citizens of Massachusetts, signed by Chief Justice Shaw, Judge Parsons, and others:

"The undersigned are moved by an imperative sense of duty to address their fellow-citizens of the State of Massachusetts, concerning the portentous conditiou of our public affairs.

We are private citizens, of different political parties, neither holding nor desiring any public employment, having no interest in the subject which is not common to all, and being impelled by no motive save the love of our country and our sense of responsibility to God for the preservation and transmission of the priceless blessings of civil liberty and public order which His Providenee has bestowed upou us. Many of us have heretofore held public employments—and we say, not iu a spirit of boasting, but because the occasion calls on us to say it, that the people have seeu we have not been unfaithful to their trusts.

For our honest and profound convictions—for the cause of truth and right—for the sake of your own duties and welfare—we ask you to hear us.

A large and important part of our common country is excited and alarmed. We deceive ourselves if we suppose this excitement and alarm are not real, deep, and general throughout fifteen States, which have been united to us by the closest ties which ever did, or in the nature of human affairs ever can, connect different political communities.

The foundations of our government are shaken—and, unless the work of destruction shall be stayed, we may soon see that great Union, our honor and safety abroad and at home, broken into weak, discordant and shattered fragments; and that people, who have dwelt under its protection in unexampled peace and prosperity, sheddiug fraternal blood iu civil war.

At such a time, it is a great and solemn duty of the people of every State to consider well whether any part of the wrong which has produced this condition of our affairs, can justly be laid to its charge, and if any such should be found, every consideration of duty and interest demands that such wrongs should be promptly repaired.

No specious fallacies, no blind resentments, no loud recriminations, no false pride, should be allowed to keep us in any wrong which can form even a small part of the causes which threaten a great people with ruiu.

Our first duty is with ourselves. It can be performed only by a just, caudid and manly examination of our conduct.

When we shall have done altogether right ourselves we can firmly demand all that is due from others, and calmly abide whatever consequences may ensue from insistiug on that demand.

Fellow-citizens of Massachusetts, we are forced by these considerations solemnly to declare that we believe the State of Massachusetts has violated our great national compact, by laws now on her statute book which are in conflict with the Constitution and laws of the United States.

The Federal government, like the governmont of each State, extends over the territory of each State, and over all persons within its limits. Each of these governments is sovereign and supreme within its own constitutional sphere of action, and entitled to the implicit obedience of the people to its laws, and to its judicial and executive officers appointed to apply and enforce them. It is plain that if one of these governments may command its officers and its citizens to do an act, the other cannot eommand them to do something which prevents or obstructs its execution. It is an inevitable consequence, that, when either persons or property have been taken into the custody of the law of one of these governments, and its executive officers are required by its laws to preserve that custody, then the other government cannot require its officers and citizens in any manner to interfere therewith. Such interference would be a plain departure from its constitutional powers; and laws commanding it, are laws commanding civil war.

Yet it is nevertheless the fact, that if a fugitive from service whom the Constitution and laws of the United States require to be delivered up, be in the custody of a Marshal of the United States, who is commanded by the laws of the United States to retain that custody, the laws of Massachusetts require every Judge of its Supreme Court, its Superior, Probate, or Police Court, (and any Justice of the Peace in some contingencies,) to issue a writ requiring the Marshal of the United States, having such custody, to bring the fugitive before a State tribunal, to subject him to the control of such tribunal, and to relinquish his custody upon its order. And having thus taken the fugitive from the custody of the law of the United States, the State tribunal is to proceed to a trial of the matters in issue, with terms and principles of its own, which it is believed have never been applied to any other case, which are wholly inconsistent with the laws of the United States, and in open defiance of their authority. And, as if the execution of these laws could not be left to the ordinary instrumentalities, deemed sufficient for the protection of the lives, persons and property of our citizens, and in preparation, as it would seem, for an inevitable and perilous contest, special Commissioners are required to be appointed in each county of the Commonwealth, and the treasury of the Commonwealth is subjected to their unlimited control, for the purpose of provoking the conflict and pressing it onward to its final and inevitable issue of physical force.

Besides the laws already referred to, there are other provisions which are manifestly designed to surround the performance of our constitutional duty of surrendering fugitives from service, with such obstacles as must prevent its performance, even though by so doing our own public peace should be left at the mercy of a lawless mob.

We hold it to be plain that a State has not the constitutional power to subject to severe and ignominious punishment, persons who, by mistake of facts, or misapprehension of law, and without any corrupt or wicked intent, make a claim under the laws and before the authorities of the United States. If such a power existed, every law of the United States could be rendered inoperative by State legislation. For who would demand any right under a law of the United States, if the penalty of an innocent failure to prove his case, which may proceed from merely accidental causes, should subject him to a fine of five thousand dollars and imprisonment in the State Prison for five years. Yet such is one of the laws now on our statute book.

The volunteer militia are prohibited from acting in any manner in the rendition of a person adjudged to be a fugitive from service. The volunteer militia is the only arm on which the municipal magistrates of our cities and towns can rely to quell organized and dangerous riots. Every one of its members is a member of the militia of the United States, and they are armed at the expense and under the authority of the United States, expressly conferred by the Constitution. Yet this law declares that the arms of the United States, in the hands of citizens of the United States, who are a part of the militia of the United States, shall not be used by them to protect officers of the law of the United States from lawless violence in the streets of a city, whose peace the Commonwealth is bound to preserve.

Fellow-citizens, is it consistent with the duty we owe to our common country, to our State and to ourselves, that such laws should be permittted longer to exist?

We know it is doubted by some whether the present is an opportune moment to abrogate them. It is said—We grant these laws are wrong, but will you repeal them under a threat? We answer no. We would do nothing under a threat. We would repeal them under our own love of right; under our own sense of the sacredness of compacts; under our own conviction of the inestimable importance of social order and domestic peace; under our feeling of responsibility to the memory of our fathers and the welfare of our children, and not under any threat. We would not be prevented from repealing them by any conduct of others if such repeal were in accordance with our own sense of right. He who refuses to do a right thing merely because he is threatened with evil consequences, acts in subjection to the threat; he is controlled by it. His false pride may enable him to disregard the threat, but he lacks courage to despise the wrong estimate of his own conduct, which conduct he knows would spring only from his love of duty. If every right minded man must admit that he ought to govern his own tonduct by these principles, are they inapplicable to the conduct of a great and populous State? On what ground can it be maintained that hundrods of thousands of innocent citizens are to be subjected to suffering, because the false pride of their rulers refuse to do right? Mankind have

been afflicted long enough and grievously enough by commotions and strifes and wars springing from such causes. We had hoped that the nature of our government would protect us from swelling the great sum of human misery produced by the evil passions of rulers. We had hoped that, inasmuch as the masses of the people can have no interest but to do right, they would have the discernment to perceive and the manliness to do it, and would be too calm, too wise, too magnanimous intentionally to persevere in any wrong, and we hope so still."

And Mr. Ashmun, an able jurist and prominent statesman of Massachusetts, in his letter to Mr. Winthrop, takes the same ground in strong language. Some of the leading Republican presses, and one or more of the Republican Governors, have acknowledged this flagrant dereliction of duty, and recommend the repeal of the obnoxious Acts. But it is not necessary to go beyond the words of these strange enactments, every line of which bristles with hostility to the South and defiance to the Constitution. It will not do to slur over this grave and wanton offense by saying that these are mere paper ebullitions of fanaticism, "full of sound and fury, signifying nothing." They are full of significence. They show the purpose, present and future, of their authors. They have borne their bitter fruit, and answered their disorganizing purpose. They profess to nullify Federal law; and they have nullified Federal law. They have incited to mob violence, to the overthrow of constituted authorities, to the breach of constitutional guarantees; to the murder of those asserting, as in Pennsylvania and Boston, their rights, or the powers of the law; and they cover from punishment, by State protection and authority, and by a vitiated public sentiment, all these lawless outrages. They throw such obstacles in the way of the master, and encourage such litigious proceedings, that the success of the asserted right costs more than the value of the subject. The act can only be executed at hazard of life, and the certainty, in the New England States, of a cost greatly exceeding the value of a slave. And what is the difference between denying a man a right, and affixing to its assertion a charge greater than the value when secured? Like the unjust father in Scripture, when the Constitution asks for bread they give us a stone. These acts are nullification—in words, in meaning, in motive, and in result.

I have thus shown, Mr. President, that the Republican States have violated, and were the first to violate, the Constitution in that provision most vital to Southern rights—openly, persistently, wantonly violated it in its letter and in its spirit; and that they have refused te this very moment to repair the wrong. I have confined myself to this single instance, for this is enough for all the purposes of my present argument.

I am sincerely for a settlement of this sectional trouble. I agree with the resolutions of the Senator from Napa on that subject. I go further than that Senator, and agree with Mr. Douglas, not only in the necessity of a settlement, but also in the necessity of avoiding an appeal to force until an opportunity for adjustment be afforded. But I scarcely think the Senator is consistent with himself. If he is in favor of peace, war, in the present state of things, is consistent with peace, and Federal force is sectional war, as I shall attempt to show hereafter. The conciliatory tone of some of the Senator's resolutions bears the grateful fragrance of peace and love; but his speech gives out the murky gloom and martial stench of villainous saltpeter. The brilliant Senator has shown with the fire, something of the erratic versatility of genius, for which he is so justly celebrated; for, having pleased our senses with the soft breathings of the lover's lute, he startles us too abruptly with the fierce clangor of his war trumpet. His change seems almost as sudden as the Apostle Paul's; but it appeared to me a backward conversion, and, I confess, Mr. President, that I like the character of the Christian Apostle reconciling the strife of the brethren, better that the fierce infidel, breathing out threatenings and slaughter.

Mr. EDGERTON—I would ask the Senator from Mariposa in what portion of my remarks he finds me taking a position in favor of war, before the spirit of compromise has failed? My whole resolutions are predicated upon a compromise that the Northern States repeal their Fugitive Slave Acts; and that in a spirit of compromise these unhappy differences may be healed.

Mr. MERRITT—While I acknowledge that I saw nothing particularly objectionable in the resolutions offered by the Senator from Napa, except in the last section, his speech appeared to me to have an entirely distinctive character. According to my hearing, it was in favor of force, and immediate force. I will read a portion of the speech of the Senator from Napa. [Here Mr. MERRITT read a portion of Mr. Edgerton's speech (published in the *Union*,) and continued:]

I join issue with the Senator from Napa. I make that issue upon the only vital matter with which we have concern. If I understand him he is for force, for compulsion, for coercion. What, sir, is the sense of his saying that he is for conciliation and for adjustment, if no time or opportunity be afforded for adjustment? Does he wish war first, and peace afterwards? Are there not difficulties enough in the present state of parties, and in the present temper of the people and politicians, North and South, that bloodshed and all the animosities of civil war must be added? Will matters of dispute be easier of adjustment after a quarrel ripens into a battle, and battle results in blood? Can men settle difficulties better over the corpses of their brethren, than before strife is succeeded by blood? But the Senator thinks the Republican States are in the wrong. Why not, then redress the wrong, before the South is subjugated for retaliating that wrong? Why not send the olive branch before the sword as well as send it afterwards? But who, sir, are to wage this war, or to apply this force? Is not the answer—the Northern States? And for what are they to apply it? For a violation of their constitutional obligations by the Southern States? But with what grace or decency could these States act in the matter, when they themselves cast the first stone—when they stand on the record as violating that very Constitution—when they appeal to a Constitution violated by themselves, to punish those who violated it by following their own example—when at the very best, these rescusant States are no worse than themselves? Let them cast the beam out of their own eye, before they even speak of the mote in their brother's eye. Let them be just before they enforce justice. It would, indeed, be a curious spectacle to see Vermont marching into South Carolina with a banner representing her true position on this question. On one side would be inscribed, "Down with the Fugitive Slave Law!" On the other, "The Revenue Laws of the United States must be enforced!"

I, sir, as a Californian, standing on this neutral ground, am for doing complete justice to all, and for making all the members of the political family do justice, and am not for acting with partiality and unfairness, and for seeing the guilty procced to award punishment against those who follow their own precedents. In order to consider this question aright, it is absolutely necessary to look at the actual condition of affairs in the Eastern

States. I admire the ingenuity more than I can commend the ingeniousness of the Senator from Napa, when, in this connection, he sought, with his accustomed eloquence, to shift the whole blame of these revolutionary proceedings upon South Carolina. Sir, that State has, indeed, been prominent in this movement. But was it unknown to the Senator that three other States had already joined in secession? and it is just as certain that five or six more are in the process of accomplishing the very same result, if it is not already done. It is just as true that discontent, rapidly bursting into flame, pervades the whole Southern mind. If the Senator has not already posted himself on this subject, I can inform him that the general sentiment of fourteen slave States—of all except Delaware—is for withdrawal, except upon condition of settling this question upon no narrower a basis, to say the least, than upon the plan which the Senator recommends. But the peculiarity of the danger is such, that, in consequence of a common danger, and a community and sympathy of feeling, force used on or towards one State, or the people of one State, is equivalent to force used on or employed against them all. The first bomb that bursts in the streets of Charleston breaks this Union into fragments, never to be reunited. To blockade or bombard Charleston is precisely equivalent to a declaration of war by the North against the South. Every reflecting man knows this, and it is not attempted to be concealed by Northern or Southern men elsewhere of observation and intelligence. Why, sir, from the most conservative men of Kentucky, Virginia, and Tennessee—from Crittenden, Coombs, Goggin, Rives, Magoffin, and Stephens, we have a confirmation of this obvious truth. But, says the Senator from Napa, although the South has cause of complaint, it is not against the Federal Government, but against individual States. But the Senator answers himself, when he asserts in his resolutions that the South is entitled to guarantees. The Senator's argument mistakes the whole theory of our institutions. Our political system is a confederacy of States, owing obligations each to the other, as well as a nation providing a Government for all the members thereof. The relations and duties of the States to each other are just as important to the general peace and security as the relations and duties of the Federal Government to the people and the States. This the Senator tells us, in effect, in his resolutions:

"*Resolved*, That the Union of these States is founded upon the principles of justice and equality, upon the equal rights of every member of the Confederacy, and of every citizen of every State; that the government instituted for the whole should be administered upon the same principles; *and that the Union can only be preserved by a faithful adherence to this rule, and by a prompt and cheerful discharge by every State of the constitutional duties and obligations which she owes to her confederates.*

Resolved, That the State of California has ever been national in character and feeling; that she has resisted all encroachments upon the just rights of her sister States, because she deemed it national to conserve the rights of every part of the nation. That we have seen with regret acts and proceedings in and of other States, the tendency of which was to alienate the affections of the Southern States from the Union, and to produce the deplorable condition of affairs now existing. That the passage of certain acts called Liberty Bills, by several of the Northern States, the Southern States have just cause of complaint, as of acts of hostility to them, in *plain violation of the Constitution, and tending directly to revolution and disunion. That in the interference by States or citizens of States, with the domestic affairs of other States, we recognize a plain and unwarrantable intrusion, which is not only wrong in itself, but calculated to enfeeble the sacred ties which bind the members of the Confederacy together*,"

In organizing our complex system a Government was provided for national purposes, but this Government left, indeed, was created by local sovereigns, supreme as to domestic matters; but these local Governments guaranteed important rights to the other members associated with them. They also bound themselves to abstain from interfering with the rights of their confederates; and, for practical purposes, these duties are left in their own hands. They may abuse these powers, and there remains but little help or remedy. They may thwart every object for which a sister State came into the confederacy. If a State should collect large sums of money by public act, to expend in influencing the elections of another State; if she should attempt to put down the institutions of another State; if, for example, Massachusetts should, as a part of her policy, send all her paupers and criminals into California; if she should persistently refuse to deliver up fugitives from justice or labor, or should pass laws excluding the products or manufactures of another State; and if these outrages were persisted in; in other words, if one or more States should persistently shape their whole policy, by the principles of hostility to another State, would the answer be that these acts were unconstitutional and might be so declared by the Supreme Court of the United States? We all know that the cost of contesting them by individuals would be more than the benefits of such contest; so, if a State should encourage insurrection and revolt in another, where would be the remedy? The Senator has well said in his resolutions that the Union could not be preserved under these circumstances; and I will add that it ought not to be.

It matters not, in this connection, whether the Federal Government be or be not a compact in the sense of a contract. All Governments are compacts founded upon reciprocal obligations and duties, and our own Declaration declares: That whenever a Government becomes destructive of its ends, it is the right of the people to abolish it; for it is against the right of humanity to be oppressed, and it is against the genius of the American people to suffer injury without redress.

The Senator from Napa was not very happy in his allusions to the past history of the Government in connection with Southern demands, and a compliance with them. He says the South demanded the Missouri Compromise, and got it. Yes, but he will remember this was only in answer to a demand of the North to exclude slavery from all the Territories. He also well knows that the South contended, and the Supreme Court has since decided, as the truth clearly is, that the North had no right to exclude slavery from any part. It was a most magnanimous concession in the North only to exclude slavery from one-half or more of the common property when she had no right to exclude it from any part. He says the South got a repeal of the Compromise, but he forgot to say she got it by Northern votes; and then, afterwards, the North got every foot of the territory to her own free use. He says, in effect, that the South has had the Government for many years. This is not quite true in fact, but if it were, the North gave it, and then got all the material benefits of that Government. He says the South got the Compromise of 1851. But he forgot to say the North refused to extend the Missouri line to the Pacific, and that the North got as free, all Mexican territory, including California, and that she got the abolition of the slave trade in the District of Columbia, and gave grudgingly the Fugitive Slave Law, which she proceeded by her State Legislatures afterwards to nullify. And did the Senator ever think what the North has gained by the Confederacy? She gained at one dash, before the formation of the more perfect

Union, as free soil, the whole northwestern territory (slave territory before,) comprising five or six States, and her share of one hundred millions of money from sales of public lands. She had her fisheries protected; the navigation laws gave her all the carrying trade of the American coast; the Revenue laws gave her annual millions.

It is true, her genius and enterprise enabled her to improve these advantages, and she deserves all honor for so improving them. With a commercial activity exceeding that of Venice in her prime, New England has, on land and sea, made herself the peer and rival of Old England in her shipping and manufactures. Mr. Webster said that the immediate and most urgent reasons for calling the Convention to frame the Constitution, were the interests of commerce; and the North has, under that Constitution, monopolized nearly all the commerce of the Continent; and her cities, if she will only now listen to reason, will soon be the commercial centers of the world. Mr. President, this is what the North has received. The history of the Government is the story of Northern aggrandizement. Every measure, whether forced on her or not, has turned to gold in her hands. She even gets the profits of the labor of the poor slaves, and sells the very whips that scourge them, and with the price the Northern workman buys Mrs. Stowe's sectional works wherewith to refresh his tender bowels of compassion. Why, Mr. President, even out of these troubles that now afflict the country, with a financial skill like Falstaff's, she is driving a flourishing trade with Southern fire-eaters in damaged muskets and wooden flints—the shrewd vender laughing in his sleeve while the trade is going on, to think the South so green as to believe the North is really going to waste good gunpowder in so foolish a quarrel.

Whatever disputes there may have arisen about the shells in former contests, in dealings between the North and South, there never was any question, when the result came to be known, but that the Yankee got the oyster. In these sectional trades, I regret to admit, the South has stood about the chance that the verdant Moses did, in the Vicar of Wakefield, when the venerable gentleman at the Fair persuaded the boy to sell his father's pony for a gross of green spectacles, only with this difference—*the boy did get the spectacles.* And yet the eloquent Senator from Napa arraigns the South for its spirit of aggression, and for the exorbitancy of its demands. The Senator improves upon the fable of Æsop; he would have made the wolf charge the lamb not only with muddying the water above it, but also with having devoured all the young wolves in the neighborhood, and then would have justified the wolf in eating the rapacious lamb on the plea of self-defense! If the Senator had confined himself to the discussion of the question of secession, as a constitutional or as an arbitrary right under our system of Government, we might have acknowledged our obligations to him for repeating to us the arguments with which we are all familiar, and most of us would have admitted the justness of his views. But I confess I have ever thought this matter, about which statesmen have so much differed, as not of the first moment, since the right of revolution is acknowledged by all men, and secession is a mode which will always be adopted by a State to effect revolution when revolution is desired; and no State would ever be likely to secede, unless the causes were sufficient, in her judgment, or by her statement, to justify revolution. But the doctrines as to the power of the Federal Government were only preliminary to his real purpose—to the pith of his speech—its whole substance and distinctive character. The Senator thus concludes—

"To-day, the counsels of the great dead come up to us from the past like an eloquent exhortation from heaven, urging and encouraging us to the performance of our duty. Am I to be told here, in this Senate, amid the garnered talent, courage, and patriotism of the State, that the timid policy of masterly inactivity should rule the hour? That treason shall stalk through the land, not only unpunished, but unrebuked? Is the great heart of California dead? Shall we prove ourselves pigmies when the times demand men? Mr. President and Senators, you may defeat the resolutions, but if you do, go home and tell your constituents that in the hour of your country's greatest extremity she called upon you and you were not to be found. Tell them that the grim specters of secession arose before you, and that you quailed and cowered before them. Tell them that you drank at the filth pools that Buchanan has dug out by the great highway of Democracy, until you were torpid from insensibility and nerveless from fear. [Applause.] But I look for a higher and nobler result from the proceedings of this day. Let us forget for a time the divisions of party, and join hands upon the common ground of a broad and elevated patriotism. Let our motto be, 'The Constitution and the Union!' May they be preserved forever and forever! May the great principles of liberty and of law upon which they are based, brighten and extend until their radiant sound shall have encircled the earth. Let us not be frightened from our duties by the horrors of civil war, nor fascinated from it by the delusive dream of a Pacific Republic. Let the voice of California go forth to-day, in tones that shall thrill to the farthest verge of the republic, proclaiming that her patriotic sons have pledged to their country their lives, their fortunes and their sacred honor. Let us so act in the great crisis that is now upon us 'that when we come to be gathered to the dust in which our fathers are laid, we may say to our sons and our grandsons if we did not amass, we have not squandered your inheritance of glory.'" [Great applause.]

When the Senator uttered this sentence with all the majesty of fervid declamation, I cast my eyes involuntarily upon the serene and placid countenance of the Senator from San Francisco (Mr. Burbank), who reported the strong "law and order" resolutions from the Republican side. I noticed a smile of gracious approval. My memory went back a few years, when that same amiable countenance shone approvingly upon a certain movement which made memorable our State annals in the year of our Lord 1856. It is said the Senator from San Francisco did not frown upon the rising of the San Francisco masses of that year. We know he was the eloquent advocate and defender of that movement, in the Legislature of 1857. The youthful Senator from Yuba (Mr. DeLong) will bear me witness. Is the Senator from San Francisco (Burbank) prepared to say that a failure to enforce the law in all cases, and under all circumstances, is fatal to Government? He puts his hand towards his cravat with a *negative twitch.* If the doctrine of the Senator from Napa be the true reading, and be asserted in practice, possibly some one else *might* put a hand there with an *affirmative motion.* And yet, Mr. President, is not the allusion which I have made a fair answer and a complete refutation of this bloody and unreasonable philosophy of physical force? Who does not rejoice, sir, that force was not used to put down the rising of 1856? Who does not rejoice that the six or eight thousand men implicated in that movement were suffered quietly to return to their allegiance to the laws? Who advises now that proceedings be taken against them, to punish them for high treason? Who does not know that silence and oblivion are the true policy of the State, and that civil war, turbulence and anarchy would be ruinous to our interests, and would result from the insane attempt to enforce the penalties of law acknowledged to have been violated, if not by the Senator from San Francisco (Mr. Burbank), certainly by those whom he represents, and with whom he sympathized? And who does not

aeknowledge that, notwithstanding this exceptional instance of insubordination, Government *has* resumed its powers, and the laws are enforced as well, if not better, than before, even in the infec ed district! And this brings me to the real poin issue, and in direct opposition to the Senator from Napa.

I deny that it is the duty of Government to attempt, at all times and under all circumstances, to employ physical force to compel an obedience to its laws, or enforce what it deems to be tbe duties of the citizens or of the States. I acknowledge tbc *general* rules of obedience to the Government, and the *general* duty of enforcing obedience by the Government. But I deny that rule to be of *universal* applicatiou. To this rule, as to all others, there are and must be exceptions; and the facts of this case do constitute the exception. Government is not an estate in the rulers, but a trust for the people; and it is valuable as it secures the objects of its institution. Governments cannot, it is true, exist without laws; and laws are of no value unless enforced: but there may arise a peculiar state of things when tbe attempt to enforce an obnoxious law or set of laws may destroy the Government which has enacted them. Government is charged with the duty of enforcing the laws. But it is charged, also, with the higher duty of preserving itself, and securing the equal rigbts of all citizeus, for whose prosperity and happiness the laws are made. But both the execution of the laws and physical force are only means for this end of securing these rights to the citizens. It would be a miserable perversion to employ these laws, or tbis force, to destroy these rights. To carry on the Government, and to secure the avowed and just objects of it, is the duty of those intrusted with its administration. But physical force is only one of the means, and it is the harshest of the means to be used for this end. There are otber means for effecting the same end, and a wise Government will always resort to these in this enlightened age in preference to force, if equally available and effective. Force is the last resort, as war is the *ultima ratio regium*. The inquiry, then, is not as to tbe *right* of the Government to use force, but as to the policy and expediency of such use; and this policy and expediency must depend upon the particular circumstances in conuection with the question. No good man will say, if this family difficulty can be settled without bloodshed, it should not be so settled. Can it be? The resolutions of tbe Senator from Napa so declare. Ougbt it to be? The same resolutions do so declare. But how, I repeat, can this be, if no time or opportunity be afforded for sucb settlement! The Senator's resolutions and speech contradict each other on this subject. I affirm, sir, that justice and concession are in our age and with our people, more powerful agents in settling difficulties, than cannon and bayonets. You remember the fable of the traveler and his cloak. When the sun and wind contended for mastery over him; when the wind blew its fiercest blasts upon him, he drew the garment closer around; but when tbe sun shed his genial beams, he relaxed his hold and threw it aside. Such, Mr. President, has been the policy of all enlightened nations of modern times. The law of love is stronger than the law of force. The day of scaffolds, and thumb-screws, and branding-irons for political differences is well nigh past. England has done more to restore peace to Ireland by the Act of Emancipation, than by all her informers, all her armies, and all her bloody persecutions. Had she taken this course earlier, Emmet had not died a martyr, consecrated to universal reverence, nor Castelreagh died a traitor to his native land immortalized to undying infamy. All calamities of Governments have come from a refusal to concede the just claims of the disaffected. Louis XVI refused—he went from his palace to the scaffold. Charles X succeeded to his follies, and succeeded to his overthrow. Louis Phillippe refused, too, and was glad to save his life by flight and exile. Charles I scornfully rejected concession, because too boldly demanded; his head rolled down the steps of Guildhall. Had James listened to justice the battle of tbe Boyne had not been fought, nor the dynasty of Hanover filled the throne of England.

George the Third rejected the counsels of Chatham and Burke on a question of a paltry tax on the colonies; he refused concession to rebels with arms in their hands, and thirteen jewels fell from his crown. Had Spain pursued the policy of a paternal Government, Mexico might to-day, instead of fretting through a feverish hour of licentious liberty, have enjoyed the blessings of security and peace. Even Jackson, whose name has been so often invoked in this discussion, acted on the wise principle of concession; for, in 1832, witb the same pen that signed tbe Force Bill, he wrote "approved" upon the conciliatory law that modified the tariff. He was not afraid of concession to rebels.

But the South threatens, and the North is too magnanimous to do right under menace! Too brave to be just, when she might be suspected of fear; too powerful to be true, when truth might be called weakness.

Sir, there should be no fear in such a state of things, except the fear to do wrong. He who pushes matters to extremities, knowing he is in the wrong, is himself the traitor—not tbe persecuted object who resists bim.

I said this was a quarrel of tbe sections. It is so, sir. It started as a sectional quarrel against the warnings of Washington, and is working tbe evils his prophetic spirit foresaw. It is prosecuted as a sectional quarrel. It is to be carried to extremities, if at all, by the men of a section, by the money, by tbe votes, and the arms of a section. It will be a geographical fight, and if it succeeds, a geographical victory. The Senator from Napa says the rebellion is against the Government of the Union—not against offending States; but the answer is, tbat if the Government pushes this quarrel, that Government will be only the Government of tbe Northern States, for every Southern State will be found together in resistance. It is, therefore, at last, tbe attempt of one section, in the name of the whole country, to conquer the other half of it.

But again, sir, the movement at tbe South is no sudden outburst of popular feeling — no mere local disturbance. The burning lava of passion has petrified into principle. We must take things as they are. The fact is before us that six millions of freemen think themselves grossly aggrieved, and in imminent peril of their lives and liberties. That they have been treated unjustly, more than a million voters in the free States have affirmed.

This opinion is confirmed by many of the wisest and best men of the Union, free from all interest in this question, and living in the Northb— by Dickinson, Hallet, Bronson, O'Connor, and many others. Why, sir, Mr. Fillmore, in 1856, declared that if the Northern States refused to give effect to the Fugitive Slave Law, the South would be released from all obligations to remain in the Union. That just and conservative man saw the folly in this age, of one party attempting to enforce self-broken compacts, and appealing to pledges of allegiance in the name of self-violated

faith. I have shown of what the South does complain. I have shown, and you have often affirmed that she does rightly complain. And when, Mr. President, in the history of the world, from the first organization of human Governments did six millions of intelligent freemen persist in groundless complaint? Would it not be monstrous, and a satirical and triumphant refutation of the theory of the capacity of man for self-government, if in the blaze of the civilization of the nineteenth century, with a Government so free in its forms, amidst peace, prosperity, and plenty, a whole people rose to declare a revolution of their political system, even if to be purchased at the expense of their lives and fortunes, unless security and redress be afforded them; and when, in truth, they needed no security, and had no wrongs to be done away with? If this be so, the North should gladly let them go as a community of lunatics. But, sir, there can be no doubt of their sincerity; they will vindicate that sincerity in life and in death, in the council hall and on the battle field, if so dreadful a trial should arise as the last.

If a respectful petition of these millions of brethren came up to a paternal Government, should it not be considered and passed upon before war is begun? Should not the mild light of christian kindness ever temper the fierce glitter of the sword of power? And should any civilized Government be quicker to use force than yield justice—more prompt to destroy life than to redress wrong? Government does not work by mathematical rules—it rules by liberal ideas of expediency; and policy changes with times and events. Statesmanship has relation, even, to the weaknesses and prejudices of its citizen subjects. It consults the genius of a people, and modifies its action to suit the temper, even sometimes the unjust apprehensions and groundless fears of men. No men better understood this philosophy than Burke in England, and Clay in America. If the South demands security, why not give it? The concession will, at least, restore affection and remove discontent. If she is in no danger, and the North means no aggression, it can do no harm to say so by authentic act and unmistakable words; if there *be* danger, then the South is right in her demands. But suppose the South is, as has been asserted, fanatical, and has gone too far. What then? Can fanaticism be put out by fire? and will the killing of a few appease the many? Is the North entitled to a monopoly of fanaticism? Who began the quarrel? Does any man ever measure the force of a blow returned by the force of the blow given? Even technical law pardons something to acts done from violent provocation.

But, Mr. President, the Senator from Napa seems to forget that the men of the South are not standing on these tranquil shores. The questions touching them are not the abstract speculations of the closet. They come home to their throats and lives. This institution (slavery) is peculiar; it must be let alone or it will not let them alone. An attack upon it involves dangers compared with which the evils of any system of government, however despotic, are as nothing, if only this one thing be protected. The consequences of such an attack, if successful, cannot be given in words, for the human language has no sounds to describe them. Before such a picture the imagination recoils, and the blood congeals in horror at the heart. The Southern planter sees, in misty outline, a confused assemblage of horrors, as in a nightmare dream, the home of his fathers desolated, the fire upon his peaceful hearth-stone quenched in blood; the peace of the cradle, the sanctity of the marriage bed, violated; the knife of the assassin, "the gray hairs of his sire clinging to the haft;" the honor of his daughter made before his eyes the spoil of the lust of a brutal savage. [Sensation.] Passing before his mind in horrible confusion are all the scenes of San Domingo, until, as he fancies, the curtain falls, at the signal of hands upraised in frenzied agony, and the despairing screams of the mother butchered with her child. He says, as the Psalmist said, it was not an enemy that caused this wrong, but my own familiar friend, with whom I took counsel. He asks whether such things are countenanced at the North; and from her great marts of commerce, which he has assisted to build up, and from her seats of learning, to which he sends his children, he hears the answer in the solemn dirge of tolling bells in honor and mourning for John Brown and his kindred assassins. He points to three thousand pulpits, and as many presses; to all the Legislatures, and all the Representatives and Senators of the Republican party still keeping up these merciless attacks. He sees, marching under victorious banners, the solid columns of a great sectional party, based upon a principle of hostility to Southern rights. He sees the leading dogma of their creed—exclusion of slavery by Congress from the Territories—a dogma in opposition to the judgment of the Supreme Court of the United States, that it is unconstitutional. He sees that the Northern States, where the Republicans had the power, have passed Acts in plain violation of the very letter of the Constitution, and that they persistently refuse to repeal them. He hears the exultant shouts of the great captains of this fanatical host declaring that the long delayed victory is now won, and slavery is doomed; that the irrepressible conflict awaits only its slow but certain consummation. He is told authentically that no more slave territory can be added; that "slavery is a scorpion girt by fire, that it must sting itself to death or be consumed;" that in a few years the Supreme Court will be remodeled; that a Republican majority will then be found in every department of Government. He finds no protection in the language of the common Constitution, or in its authentic exposition by the highest judicial tribunal in the land. What security, then, he asks, have we that the Constitution will protect us in our rights within our borders? Slavery is driven within the citadel of the States. Why not abolish it there by act of Congress, as well as nullify the Constitution as to fugitive slaves, or disregard the decision of the Supreme Court in respect to the Territories? If these things are done in the green tree, what will be done in the dry? When the full operation of that principle, announced by Mr. Seward, the founder of this sectional party, has been developed, that the whole moral and political power of the common Government of all the States shall have been exerted to stigmatize and outlaw the institution of slavery, and make it and those connected with it odious in the eyes of the civilized world. I do not refer the blame of these outrages upon the whole people of the North; far from it; but I am placing myself in the position of the Southern men whose conduct has been so severely criticised.

I ask what a Southern man thinks and feels, and has plausible ground for thinking and feeling—whether he has not reason to blame a portion of the people of the free States for those repeated acts of resistance to Federal law—for mobs never punished—for acts of open nullification never resisted? Might not the South well mistake Northern sentiment, when Northern men never sought to put them right, after all these things were done in their name? If, stung to madness by these insults and aggressions, so long continued and so often repeated in the most offensive forms, the sensitive

spirit of the South has been moved to hasty, perhaps ill-advised action, let the Northern man remember, his Southern brethren are acting on his own principle and from his own teachings. Much must be forgiven, says Burke, to the spirit of liberty. And every generous man would say: Let us repair the wrong first: let us give, what Richelieu said when he wielded the power of France, the poorest peasant never invoked in vain—justice! I boldly say, and upon the strongest Northern authority, Massachusetts under these circumstances would never submit. The answer comes from those bold rebels who threw the tea overboard, and from the descendants of those who made Lexington and Concord historic names. There never was a State that insisted so strenuously upon the full measure of her rights as Massachusetts. We all know how she combated the Louisiana purchase, and threatened the embargo, even to the point of secession. She proclaimed through her Legislature that the admission of Texas released the other States and broke the Union. Without a shadow of right, she defied the Federal Government, and, as Chief Justice Shaw declares, proclaimed State war on the Fugitive Slave Act. This is a family quarrel. The argument is not weakened by admitting that, as in all family quarrels, both parties are in the wrong. But we wish to heal the breach and stop the quarrel by an amicable settlement; to have which we must have concession. He who did the first wrong must make the first concession. The strongest brother did this, and the concession can come more gracefully from him on account of his strength. His strength should make him magnanimous.

"'Tis good to have a giant's power,
But is not well to use it like a giant."

[Applause.]

The question then comes to this—the Government can solve this question; it can select the means most appropriate for enforcing its laws, for preserving its existence and asserting its power. It is not bound to act hastily, or at once, by extreme measures. It may seek conciliation, which, even if it were not the most effectual means, is far better than the last bloody resort. Force not only is not proper, but it defeats all prospects of a settlement now, hereafter, and forever. Gunpowder may blow up the Union; it can never weld or restore it. Force would combine, in a solid mass of resistance, all the Southern States, even the most conservative and most opposed to secession. Employ force now, and there could be no rally of the conservative elements, north or south, east or west; and in that rally is the only hope of the patriot. Star after star is falling from the National firmament; the thick clouds, denoting the coming storm, are blackening the horizon; even as I am speaking, the angel that records the fate of empires is slowly marking upon the walls of the capitol the fatal words that startled Belshazzar in his banquet halls; one breathing moment of patriotic hope is left us—for God's sake, let us improve it! The first Federal cannon that is fired souuds the knell of the Republic. I am, therefore, against force; for force is civil war—a war of brothers—fierce, ferocious, brutal, unnatural, unchristian, and interminable—a war for the Union, which destroys the Union—a war which will set back civilization one hundred years; and even if the Government triumphs, it will be a victory like Cain's—murder—without gain or glory. It will leave the impoverished victors a few provinces blighted by fraternal blood. It is said that wealth and numbers will insure a speedy conquest. So thought Xerxes, but the hights of Salamis and the plains of Marathon tell a different story. So thought Cornwallis, Burgoyne, and Packenham; but Yorktown, Saratoga, and New Orleans give the answer. Americans have met in battle before, but not as enemies; Americans have felt the death grip from each other's hands, but it was in some such field as Lundy's Lane, where the Northern soldier, pierced by the death bullet from the British ranks, clutched convulsively the arm of his Southern brother and staggered out of the line. Americans, North and South, are the same—equally brave—but six millions of freemen defending their homes and firesides can never be conquered. Yes, they *can* be conquered! Justice and magnanimity can conquer them—not the sword. [Applause.] This foolish quarrel can be settled; there is nothing but passion in the way. Let the Constitution be vindicated; let reasonable guarantees be given, and the Territorial questions can be adjusted. The whole territory left is not worth a day's delay. If a premium of $100 a piece were offered for every negro taken there, enough would not go to black the boots of the public officers. The North and South misunderstand each other; each think the other his deadly enemy. Let this misconception be removed by magnanimous concession, and fraternal harmony will be restored. I speak to Californians. Here, at least, Northern and Southern men meet as equals and brothers; here we meet in friendship, in the field, in the gulch, in the law office, in the counting room, in the social circle, in the council chamber, and at the polls—eating, drinking, sleeping together — partners, neighbors, companions, associated by every social, religious and political tie. [Applause.] Shall *we* go to war? Shall we import to these peaceful shores the murderous passions that inflame the misguided masses of the Atlantic States? We have been aptly called the Congress State—and should we not be the peace Congress of the Republic?

We stand to-day, Mr. President, in the presence of prodigious events, fraught with the fate of a nation and of States, and it may be with the destiny of human liberty itself. I find my apology in detaining you so long in the momentous occasion, which makes not wholly unimportant the utterances of the most inconsiderable of those connected with government. I have spoken in no spirit of passion or prejudice, but as I thought became a Senator of California, and an American citizen.

One word in conclusion in another character. I am a native of a Southern State—of that venerable State—which has sometimes been the object of pointless derision. Virginia has those claims upon my affections which every man owes to the land of his birth. No man in California can make anything by denying his native country, or withholding his sympathies in her hour of need. I am proud of that old Commonwealth. I do not certainly know what position she may assume in this fratricidal war, if war unhappily should arise. But she will act as becomes her ancient renown. The State of Washington and Henry, of Marshall and of Jefferson, and a host of other worthies, whose names sparkle upon her brow, the jewels of a Queenlike diadem; that Commonwealth, the mother of States and statesmen, will never be conquered by force of foreign or domestic bayonets. [Applause.] She will never reverse her armorial device, which represents the tyrant prostrate, and her foot upon his neck. But if such a calamity should press upon her; if servile hordes should devastate her fields; when returning, as I hope some day to, to the scenes of my youth and to my early home, I shall have the melancholy satisfaction of knowing, as I stand over the graves of my kindred and the ashes of my father's house, that my hand was not employed to whet the assassin's knife, or light the torch of the incendiary. [Loud applause.]

STATE OF THE UNION.

SPEECH

[Zachariah?] OF

HON. Z. MONTGOMERY,

Of Sutter County,

Delivered in the Assembly of California, Feb. 11th, 1861.

Mr. MONTGOMERY said—

Mr. SPEAKER: The magnitude of this subject would deter me from making any remarks in connection with it, did I not regard it as a question of duty. The resolutions reported by the majority of the Committee have already been discussed in part by the gentleman from El Dorado (Mr. Conness.) Without taking up the resolutions in order I will read the third division of the last resolution of the series, which is a fair criterion of the tenor and tone of the whole series. It reads as follows:

"The people of the State of California will sustain and uphold the constitutionally elected officers of the United States Government in all constitutional efforts to preserve the integrity of the Union, by enforcing obedience to the acts of Congress and the decisions of the Courts."

Sir, the language here used is smooth and harmonious; and, at a glance, would seem to be unexceptionable, were it not for the application which we know it is proposed to make of that language. Where is it that it is proposed to enforce the Acts of Congress and the decisions of the Federal Courts, —there is no controversy about the enforcement of the Acts of Congress and the decisions of the Federal Courts—so far as those States are concerned which are within this Union—so far as those States are concerned which have not, by a solemn act, withdrawn themselves from this Union. But I apprehend that it was designed to apply this resolution to those States which have, by the most solemn act of which they are capable, declared themselves without the jurisdiction of this Union; and that is the question which I now propose to discuss in my humble way—as to whether the Acts of Congress and the decisions of the Federal Courts shall be enforced within those States that have withdrawn from the Union? How is it proposed to enforce the decisions of the Federal Courts? I apprehend that the enforcement of the decisions of the Federal Courts presupposes the existence of a Federal Court. Has the gentleman from El Dorado (Mr. Conness) forgotten that there is no Federal Court within the limits of South Carolina? Then, how does he propose to enforce decisions of the Federal Courts? How does he propose to enforce the decrees of Congress? I will construe this resolution in connection with the remarks of the gentleman from El Dorado in support of it. What does he say? I read from his remarks on this subject:

"I propose to collect the revenue now, whenever the revenue laws of the United States are impeded; and I propose going no further than is necessary to collect the revenue. If these States do not want the Post Offices which were established for their benefit, let them do without them."

Here, sir, it is proposed to collect the revenue within the jurisdiction of the State of South Carolina. Now, I ask, how is it proposed to collect that revenue? Suppose that an attempt is made upon the part of the Federal Governmant to collect that revenue, and that attempt be resisted by the authorities of South Carolina, and suppose that the parties making resistance be arrested by the Federal officers: I would inquire what disposition the gentleman from El Dorado would have made of the parties arrested? He would tell us they are traitors and rebels, but I appeal to him to know how he is going to try those rebels and traitors. Before what Court would he try them? Before a Federal Court? Let us see if there is any possibility of trying them before a Federal Court, when there is no Federal Court within the jurisdiction of South Carolina. I read from the Constitution of the United States:

"In all criminal prosecutions the accused shall enjoy the right of a speedy and public trial by an impartial jury of the State and District wherein the crime shall have been committed."—Article 6, Amendments of the Constitution.

"In the State and District wherein the crime shall have been committed." Now, there is no Federal Court, within the jurisdiction of South Carolina, and how, I ask, is he going to try a party accused of treason, or any other crime, when the crime is alleged to have been committed within the State of South Carolina. Over and over again this objection has been urged, but never answered. They talk much about hempen cords, they talk much about enforcing the laws. Sirs, here is one of the strongest

arguments, in my opinion, that the framers of the Constitution never designed to enforce the Federal laws in a seceding State, otherwise they would have provided the means of doing it. They have provided no such means, and consequently the conclusion is irresistible that it was never designed to enforce the Federal laws within a jurisdiction where there were no Federal Courts. Again, I quote from the gentleman's speech; he tells us that it is not designed to make war upon a State. How, again, I ask, are you going to enforce the Federal laws in South Carolina, or Georgia, or Alabama, or Mississippi, without making war upon a State? I read again from the speech of the gentleman from El Dorado:

"In connection with this, I desire to review briefly an assumed position of a certain class of men—a position first suggested, I believe, by the President of the United States—namely: that there was no power under our Constitution to make war against a State. If th y can find no power to make war against a State—if they can find this anomaly in the structure of our Government they thence conclude that the Government cannot exert its power at all in repressing outrages against its authority. Who ever contemplated the Federal Government making war against a State?"

I would ask how long it has been since the gentle man who sits up by yonder window, from that very stand, exclaimed in emphatic terms: "Away with all such dissimulation as that the Federal Government has no power to make war upon a State?" And, two weeks later, the question is asked from the same lips, "Who ever dreamed of making war upon a State?" Oh! consistency! Again, there is some logic in this connection which almost surpasses human wisdom. I read:

"Ah! those men tell us that we can reconstruct. That is the remedy—reconstruction. Reconstruct what? Bind together a people now dissevered and dismembered in hostile array against each other? I say that such a work would be impossible. I say that whoever wants to avert civil war and the continuance of it, must avoid this idea, or this proposition of reconstruction; because the States, being once dissolved, in my opinion, the work of reconstruction will never take place."

Whoever wants to avert civil war must avoid peace, I suppose. Truly, a new method of averting civil war. We propose to reconstruct peaceably; but says the gentleman, "whoever wants to avoid civil war must avoid this idea." But again, there is more of this logic. In this same connection the gentleman says: "Preserve what you have. Defend the integrity of the nation as it is. Repress, in just such degree as may be necessary, and that alone, all violence against the Government; but direct that repression against the men engaged in those acts of violence. We have nothing to do with States. The Federal Government cannot deal with States. States cannot commit treason. They cannot be held guilty of treason. The Federal laws cannot be enforced against States. But individuals commit treason. The Federal laws can be enforced against individuals; and that is the duty of the Government."

Now let us glance briefly at the position here assumed. It is not proposed to make war against States, but against citizens of a State. Great God! what does a State consist of, I wonder? Is it the land? Is it the cows and the herds that roam at large upon the fields? Is it that that constitutes a State? I had always supposed that the people were the State; but here it is proposed to wage a war not against a State, but the people of it. O ye Gods! what a discovery! I wonder who it was that King George waged war upon. I wonder if it was upon the people of the colonies, or if it was upon the bare and naked land. Yes! You may butcher the people! You may bang them for treason! You may do anything to a people provided you do not touch the State! If I were to be the father of a two-year old boy that could not penetrate through this veil of sophistry, I should despair of his ever escaping the walls of a lunatic asylum. [Laughter.] No war against a State; only against the people! Is it supposed that the people are to be humbugged and hoodwinked by specious expressions like these? Preserve the State, but kill the people! And for what? For what are the people to be slaughtered? For what is it proposed to drench the land of our brethren in our brethren's blood? Oh, it is for the Union! for the Union! We hear in modern times much said about the Union. We hear a great deal said about the Constitution. It is well for us to consider what this Union is, and what the Constitution is. I love the Union, but I love the Union which our fathers made. I love the Constitution, but I love the Constitution as our fathers made it. In ancient times, when the pagans gazed upon the blazing disk of the sun, they imagined that the sun was deity, that the sun was the source of all that was good and great and blessed in the universe, and they fell down and worshiped the sun, little dreaming that there was a power beyond the sun at whose fiat sun, moon and stars sprang into existence, and at whose bidding they would leave the theater of existence. So now, men dazzled by the name of Union sometimes fancy that their liberties came from the Union, and that they had no liberty, no freedom until the Union was formed. I know the Union is a sacred thing, but it is not too sacred for these to handle who desire its preservation. The Union consists of two parts, a soul and a body, a spirit and an external form, as a spirit and body compose a man. What is the spirit of the Union? Is it not brotherly love, affection, attachment amongst the people? Is not that the soul of Union? What is the body or the external form? It is that political link which binds these States together under the name of the Federal Constitution. When the spirit of a man departs, the man is dead; and so when the spirit of the Union departs, the Union falls to pieces. Those who love the Union must look to the minds of men, to the hearts and souls of the people to perpetuate and to render eternal and beautiful that Union. What is the course of those who now proclaim most loudly in favor of Union? What has been their course? This is a question which it behooves us to investigate, if we truly love the Union. Why, sir, when I look abroad throughout the land and see who the men are who are loudest in profession of love to the Union, I find that they are the men who first acted in the presentation of disunion petitions. Do you know it is a fact, that when it was proposed in the Senate of the United States to receive a petition asking for a dissolution of this Union, there were three men found to vote in favor of receiving this disunion petition. And who are they? Why, sir, there was Chase, and there was Seward, and another. Chase and Seward! Don't forget. And now these are the men loudest in professions of love for the Union. There are many valuable considerations which present themselves in this connection. You hear it said sometimes that the Federal Constitution is a blood-bought Constitution, that our Union is a

blood-bought Union. In one sense this is true. If you refer to that sympathy, that affection which existed amongst the people who formed this Union—if you say that that is Union, why I concur; it is a blood-bought Union. It was the recollection of the bloody strifes through which they passed in a seven years' struggle with Great Britain that bound them together, and which constituted the very soul and source of Union. But if by "union" is understood that political connection which exists through the instrumentality of the Federal Constitution, I deny that it ever cost one drop of blood. Let us consider now, briefly, what was the relative position of the States which formed the Federal Constitution. In doing so, I must first call the attention of the House to a principle that is now sought to be fastened, not only upon the people of the South, not only upon the people of the North, but upon the people of California. What is it? There are two conflicting systems, antagonistic to each other, that are now struggling for power; and what are they? The one is the Republican system, and the other is the Democratic system. By the Republican system I do not mean to be understood as referring merely to the particular love which the Republican bears for the African slave, but I mean a deeper and a broader principle, and one which underlies the liberty of every State in this Union. What is that principle? Why, sir, it is contended by the Republican party of to-day that our Government is a consolidated Government, that our Federal Government is the work of the whole people of the United States acting as one mass irrespective of State lines. That is the Republican doctrine; whilst the Democratic doctrine is this: that the Federal Government is the work of separate, independent, distinct, sovereign States, and not of the whole people acting in mass, as one mind. The Republican theory is that the States have no sovereignty. The Democratic principle is that the States are sovereign and independent. In proof of what I say, I beg leave to refer to the speech recently delivered by Senator Baker of Oregon, in the Senate of the United States. I can do so the more properly, inasmuch as an effort has been made in this House to indorse that speech by the Legislature of California. Senator Baker, in his speech, in reply to Mr. Benjamin, of Louisiana, says: "Pursuing what I think is a defective mode of reasoning from the beginning to the end, the distinguished Senator from Louisiana quotes Vattel, and for what? To prove what, as I understand, nobody denies: that a sovereign State, being sovereign, may make a compact, and afterwards withdraw from it. Our answer to that is, that South Carolina is not a sovereign State; that South Carolina has not made a compact; and that, therefore, it is not true that she can withdraw from it." Here are the premises that are assumed, in order to prove that a sovereign State has no power to withdraw from the Federal Union. Then in the same connection he says: "If the proposition is not new, and if the arguments are not strange, it will not be wonderful if the replies partake of the like character. I deny, as Mr. Webster denied; I deny, as Mr. Madison denied; I deny, as General Jackson denied, that this Union is a compact between sovereign States at all." [Mr. CURTIS in the chair.] There is the position of Senator Baker. The same position is taken in both Houses of this Legislature, not by the Republicans alone, but by their allies, consisting of a portion of the Douglas party. I read from the speech delivered a few days ago in the Senate of California by Mr. Edgerton. He says: "The whole people of the Union, acting in the aggregate, as one, united, collective people, irrespective of State lines, and independent of State Governments, tell us through that instrument that *they* made it. The Government under which we live is thus a popular Government. Made by the whole people, it is responsible only to them, and can be by them alone controlled." The honorable gentleman from El Dorado (Mr. Conness) indorses the same doctrine. I read from his speech delivered a few days ago in this House. He says: "Those States were sovereign under the Confederation which preceded the establishment of the present Federal Constitution, but their sovereignty was found to be inconvenient for national purposes." Their sovereignty, the sovereignty of the sovereign States, was found to be inconvenient for national purposes. "It was found to be totally inapplicable, failing in its purposes, and hence the change in the form of our Government; hence the establishment of a Central Government that could not only preserve order within our own limits, but that could deal with the other nations of the earth, and represent all the States and all the people of the States in all things." There is the doctrine of the Republican party. Does anybody deny it? Now it will occur, what is the difference between the doctrine of the gentleman from El Dorado, and the doctrine of the Senator from Napa, and the doctrine of Senator Baker? How do they sympathize and co-operate, in their hearts, in the same doctrine, the same exploded theory that our fathers battled against, and battling against preserved liberty and independence to sovereign States? Now, let us examine these theories, and in doing so, I propose to examine them by the light of reason, by the light of authority, because I shall deal in no superfluous words, but I shall come directly and squarely to the point at issue. I deny the proposition that ours is a consolidated Government. I deny that there is any great central power which overshadows and swallows up the sovereignty of the States. I deny that either Madison or Jefferson ever contended that there was any such power. Now, let us see for the truth. It is contended by those who are in favor of a consolidated Government that their doctrine is fully borne out by the preamble to the Constitution, which reads as follows: "We, the people of the United States, in order to form a more perfect Union," and so forth, "do ordain." "We, the people," and hence it is contended that it was the people speaking in their aggregate capacity. Now, I lay this down as a proposition not to be controverted, that wherever the language is susceptible of two constructions, one of which is borne out by the whole instrument which it is proposed to interpret, and the other is contradicted by that instrument, that construction must be adopted which is consistent with the entire instrument. Ain't that so? Now, let us examine this phrase: "We, the people of the United States." Now, that may mean, we, the people, in the capacity of separate, independent sovereign States; or, we, the people, acting in mass as one body. It might mean either of those two things, might it not? We must then refer to the balance of the instrument, the remainder, the body of the Constitution itself, to find out what "we, the people," meant. Now let us see. If the Federal Government was designed to be a

Government of the whole people, acting as one mass, why, as a matter of course, a majority of those people, or some certain proportion at all events of those people, would be sufficient to control the Government. Now, how is it in the election of President? Is he elected by the people in mass, acting as one body? If so, how is it that the President sometimes may have, and has, the smallest popular vote? How is it, if it is a consolidated Government of the whole people, acting as one body irrespective of State lines—how is it that the candidate elected President may not have as many of the popular votes as the candidate that is defeated. Will some gentleman who is to come after me unravel that proposition? If it is contended that a popular vote determines the election of President, I want this question answered—I want to know what proportion of the popular vote it takes to do it. I deny the proposition that he is elected by the popular vote under the theory of our Constitution. Again, when an election does not take place by the electors, the question then must be determined in the Lower House of Congress. If this were a government of the whole people acting as one body, why, as a matter of course, in Congress each State would have a power proportioned to its population—would it not? And yet, so for from having a power in proportion to population in the election of President, New York may have five millions of votes and California may have five thousand, and yet California would have as much voice in the election of President as the State of New York. Is not that so! Again, if ours is a Government of the whole people, acting as one body, how is it that all the States have an equal number of Senators, the smallest State being entitled to the same Senatorial representation as the largest State in this Union? But let us look further into the theory of our Constitution. It is contended by the Republicans and by the gentleman from Napa, in the speech he made a few days ago, that the ratification of the Federal Constitution was as much an act of the whole people as if all the people of the United States had assembled together in one mass, and, irrespective of State lines, had ratified the Constitution. If that is so, supposing all the people of the United States had been collected together in one field, and had voted on the adoption or rejection of the Constitution of the United States, how many, and what proportion of the people would it have taken to adopt it? Would it have been half, or two-thirds, or three-fourths? To carry out the analogy instituted in the argument to which I have referred, suppose that instead of submitting the Constitution for ratification to the Conventions of the several States, that the Convention had called—as it had an undoubted right to do—had called together the whole people of the several States for its ratification; and suppose the question had come up for ratification by the whole people of the thirteen States, how would those people have voted? Would they have voted as one people or as representatives of their respective States? I admit that it was a popular ratification that was made. I admit that the Constitution was ratified by the people—not by the people in their aggregate capacity, but by the people constituting thirteen separate, independent, sovereign States.

Now, sir, will it be contended that, if this mode of ratification had been adopted, that is, to submit the question to the whole people collected into one aggregated body, will it be contended that they would have voted irrespective of State lines? Why, if so, would it not have been in the power of the majority of the people of these States to have adopted that Constitution in spite of the protestations of other States, where there might not have been a single citizen that favored its adoption? Is there anything clearer than that? But was that the design of the framers of this Constitution, that it should be adopted by a majority, or two-thirds, or three-fourths, or even seven-eighths of the people, in spite of the protestations of any single State in this Union? Certainly not. I read from article seven of the Constitution of the United States touching the manner of its ratification:

"The ratifications of the Conventions of nine States shall be sufficient for the establishment of this Constitution, between the States ratifying the same."

Now, sir, it was not designed that that Constitution should bind a single State until the people of that State had ratified it. How does that comport with the theory of a consolidated Government of one people, acting as one mass, irrespective of State lines? Upon the theory contended for, the large States would always have it in their power to crush out and destroy the liberties of the smaller ones; and it was to guard against this very evil that it was provided that this Constitution should not bind a single State until that State had itself, in its own sovereign capacity, adopted and ratified it as a State. But again, the last clause of this Constitution beyond controversy settles this whole question. What is it?

"Done in Convention, by the unanimous consent of the States present."

Now what does that mean? Does it mean by the unanimous consent of all the people of all the States? If it means that, it is false upon its face. It never meant it. Why, is it not an admitted fact that there were large bodies of people in various of those States who disapproved of that Constitution, and did the framers of that Constitution undertake to say that it was the unanimous wish of all the people of all the States? All they meant was that it was by the consent of each State in its aggregate capacity. It is perfectly conceivable, if you please, that they meant the States acting in their aggregate capacity—acting in their several capacities as sovereign States. It is perfectly conceivable that they should have said "by the unanimous consent of all the States;" but if that meant the unanimous consent of all the citizens of all the States it would have been false upon its face. I heard a celebrated Republican leader, a few days ago, in the other branch of this Legislature, illustrate his idea of our Government by this comparison: he said that the Federal Government might aptly be compared in its formation to a number of swarms of bees all collected in the same hive, and all operating together, each having a separate cell, but each forming a part of the same hive. Now, I think that comparison would have been a much better one if, instead of saying that the people were to be compared to so many bees all operating in the same hive, he had said that the sovereign States might justly be compared to several hives, forming and constituting one and the same apiary. Then the comparison would have been a good one, and would have well illustrated the character of our Government. Each State stands alone, a separate, independent sovereign of itself. Each is dependent upon its own laws; each regulates its own domestic institutions, and each forms a part of the same apiary; each stands ready, prepared to repel the assaults of a

common enemy, but each stands at the same time prepared to defend itself not only against foreign assaults, but against the aggressions of neighboring hives. That comparison would have illustrated the character of our Government. And, whilst we are upon that subject, I think the comparison might go a little further—that it might be so extended as to teach a lesson to our Douglas party friends too. Because, whilst a new swarm of bees are in process of formation, they are always subject to the control of the parent hive. They have no independent sovereign existence then; but the moment the bees of the new swarm arrive at a state of maturity, when they have their officers, their workers, their drones, and everything ready to work, then they set up for themselves, and become an independent, sovereign colony, or State, if you choose. So, likewise, when in the Territories, the people are in their incipient state of formation; they are subject to the control of the parent hive until they reach such a degree of maturity that they are capable of taking care of themselves, and, then it is, that they begin, or ought to begin to exercise the rights of sovereignty. Another comparison sometimes used by those who contend that ours is a consolidated Government, of the whole people acting in one mass, is this: They say that the States bear the same relation to the Federal Government that the counties bear to a State, and that if a State may set up for itself in spite of the Federal Government, each county may also set up for itself in defiance of State authority. Now let us examine and analyze that argument for one moment. Those gentlemen who argue this forget that the Federal Government is the creature of States. They forget that the State had an existence when the Federal Government had none; that it was the States that called the Federal Government into being. Counties, on the contrary, are the mere creatures of States. A State regulates county lines and boundaries, establishes county governments and everything. A State is the creator of the counties, as States are the creators of the Federal Government, and not the Federal Government the creator of the States. Sir, this I regard as a most important question. It is not a question in which merely the people of the Southern States are concerned, or merely the people of the Northern States; but the people of every State, California included. Is ours a great consolidated Government of the whole people acting as one mass? Does the Constitution making power, in other words, reside in the whole people as one body? If it resided there in the beginning, it resides there now; and hence it is a most important question for us in California to consider, as to whether we are holding our liberties merely at the will and pleasure of the vast body of people that live beyond the Rocky Mountains. Why, sir, if this theory of Government is correct, what is there to prevent the larger States in their capacity as the people, as a majority of the people of a great consolidated Government, from assembling together and wiping out the last vestige of our liberties? Where is the security for a smaller State? Where is the security for the weaker States, if there is such a power residing in the congregated masses, in the majority of the people of this Government? It never was designed. Such is not the Democratic doctrine to-day; such was not the doctrine of our fathers; such was not the doctrine of Jefferson; such was not the doctrine of Madison. Now for the proof: It is well known that more than half a century ago this same question shook our Government from center to circumference. It is well known that about every State in this Union then passed resolves upon this question of a consolidated Government. And it is equally well known that the friends of State sovereignty and State rights predominated, and that ever since the Democratic party ruled, this doctrine has prevailed. And right here I propose to address myself briefly to my Douglas friends, and I regret that there are no more of them present, because I know that all the Douglas men profess to stand upon the Cincinnati Platform, and if they do stand upon that platform to-day, they stand with me, they stand with the Democratic party, they stand opposed to Republicanism. I will now proceed to show that the doctrine for which we are contending is the Democratic doctrine, and that it is the doctrine of Madison and of Jefferson, Senator Baker to the contrary notwithstanding. I read from the Cincinnati Platform, and Democrats will remember that this platform was adopted by both branches of the Democratic Convention at Charleston, as well that branch which nominated Mr. Douglas as that which nominated Mr. Breckinridge:

"*Resolved*, That the Democratic party will faithfully abide by and uphold the principles laid down in the Kentucky and Virginia Resolutions of 1798, and in the report of Mr. Madison to the Virginia Legislature, in 1799; that it adopts those principles as constituting one of the main foundations of its political creed, and is resolved to carry them out in their obvious meaning and import."

Now let us see what these resolutions are, and then I shall ask Democrats at all events to come and stand by me in this contest. I will read a portion of the first resolution:

"*Resolved*, That the several States composing the United States of America are not united on the principle of unlimited submission to their General Government; but that by compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and that, whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State acceded as a State."

"To this compact each State acceded as a State." Not the whole people in one mass, but each State acceded "as a State." This is the language of Thomas Jefferson; it is the language of the Democratic party; it is the language of the Cincinnati Platform; it is not, I admit, the Republican doctrine.

"Each State acceded as a State," and as an integral party. "That this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but, that as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

Are you a Democrat? If you are, don't you repudiate that doctrine? If you repudiate that doctrine, never turn to me again with a scowl, and talk about "bolter." What becomes, then, of all this talk about the States having lost their sovereignty? "It was found necessary," says the gentleman from El Dorado, "for national purpose, that the States should give up their sovereignty." But again, the Virginia resolutions are equally a part of the Cincinnati Platform, and of Democratic doctrine as embraced in the

Cincinnati Platform, and those resolutions were drawn by the pen of Madison. I read from the third resolution of the Virginia Legislature of 1789:

"This Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government as resulting from the compact to which the States are parties."

Does that sound like the doctrine that ours is a Government of the whole people in one solid mass, and that our Constitution is not the work of separate, sovereign, independent States? "To which the States are parties," said Madison. Again, let us see, and it may be wholesome for us to repeat what the framers of our Government thought of this doctrine which is now contended for by the Republican party. I read again from the Virginia resolutions:

"The General Assembly doth also express its deep regret that a spirit has, in sundry instances, been manifested by the Federal Government, to enlarge its powers by forced constructions of the constitutional charter which defines them; and that indications have appeared of a design to expound certain phrases (which, having been copied from the very limited grant of power in the former Articles of Confederation, were the less liable to be misconstrued) so as to destroy the meaning and effect of the particular enumeration, which necessarily explains and limits the general phrases, and so as to consolidate the States by degrees into one sovereignty, the obvious tendency and inevitable result of which would be to transform the present republican system of the United States into an absolute, or at best, a mixed monarchy."

That is what our fathers thought of the doctrine which is to-day sought to be fastened upon the people of these several sovereign independent States.

"Its evident tendency," says Madison, "is to consolidate this Government and to transform it into an absolute, or at best a mixed monarchy." Again. Accompanying these same resolutions was an address to the people of Virginia, from which I read, as follows—"The Sedition Act," referring to the Alien and Sedition Laws:

"The Sedition Act is the offspring of those tremendous pretenses which inflict a death wound on the sovereignty of the States."

But, says Senator Baker, and says my friend from El Dorado, (Mr. Conness,) the States have no sovereignty. Then, I ask, in God's name, how are you going to inflict a death wound upon sovereignty when there is no sovereignty. I ask if a death wound was thus inflicted in the days of Madison? There are found to-day—

Mr. LASPEYRE—I hope order will be preserved; there is too much confusion.

The SPEAKER—Order must be preserved outside the bar.

Mr. MONTGOMERY (proceeding)—I say there are found to-day ready hands and willing hearts to do this desperate and bloody deed. Shall it be done? Shall the sovereignty of these States be stricken down? Shall our people be enslaved to a great consolidated central Government which is to lay the foundations of a monarchy? I trust in God that such will not be the case. And were I the only one, I would raise my humble voice, and if necessary, I would raise my feeble arm, to strike against this dastard blow at the liberties of our people. [Applause.] Sir, it has always been the policy of the friends of tyranny to find specious names under which to cover their diabolical purposes. Why, it was in the name of liberty that the republic of Rome was subverted and an absolute despotism was planted upon its ruins. It is in the name of liberty, aye, and of Union, too, that Great Britain has for years—aye, for ages past—filled Ireland with blood and famished, starving, dying and dead victims. It is in the name of Union that she has banished the unfortunate children of the Emerald Isle to every quarter and corner of the earth, until you cannot visit a graveyard within the limits of the civilized world where sleep not the bones of an Irishman. And it is all perpetuated in the name of liberty, and the name of Union, too. Sirs, if there was no other refutation of this diabolical doctrine of a consolidated Government, I should consider that it was only necessary to go out and take a view of our national flag, floating over this Capitol. When that flag is unfurled to the breeze, what do we see? Any central sun from which these stars twinkling upon its folds draw their light? No; but thirty-three separate, independent, equal stars form that beautiful galaxy, each one as free as the other, each shining by its own light, and not by any borrowed light. [Applause.] Sirs, if the time is ever to come when ours is to be a consolidated Government—when the sovereignty of these States is to be stricken down—then blot out the last star that shines upon the national banner, and in their place paint a monument, and beneath that monument, in characters black as midnight darkness, write: "Sacred to the memory of departed liberty." [Applause.]

Our Constitution was the work of the wisdom of the several States of this Union. It was designed to guarantee certain rights, in consideration of the surrendering by the several States of certain privileges. What were those guarantees of rights proposed to be afforded by the Federal Constitution? Let us transport ourselves back for a moment to the Convention which formed this Constitution. In what capacity did the thirteen original States find themselves at that time? Were they not thirteen separate, independent, sovereign powers—each as independent of the other as any European Government is to-day independent of any other European Government? It is true that they were weak, that their population was sparse and poor. But they had these boons—they were free, they had liberty, they had independence. They had that for which they had battled for seven long years with the British Government. They were free, and in order to perpetuate their freedom—not to acquire freedom—in order to perpetuate their liberty—not to acquire liberty, let it be remembered, because they already had most perfect liberty—in order to perpetuate these rights they assembled in Convention for the purpose of forming the Federal Constitution. They were there upon equal terms, each State jealous of its rights, each State slow to surrender those rights which it already had, and no State would have surrendered a right without a corresponding benefit to be derived in consequence thereof. What were the rights surrendered and the benefits that were to be enjoyed in consideration of that surrender? Let us inquire. Each State agreed that it should surrender its right to coin money, to issue bills of credit, to declare war, to form treaties with foreign Governments, and various other rights. For what were these surrendered? For no consideration? No; each State was to be guaranteed certain rights, whilst it agreed to surrender certain rights for certain purposes. Let us see what those rights, what those guarantees were. Amongst others, there were guarantees upon this subject of slavery. One clause provided as follows: Here is a contract. The Constitution, after all, is nothing but a contract between States, by which each of the contracting parties

agreed to do certain things in consideration that the other contracting parties were to do certain other things. I read from the third section of Article 4 of the Constitution of the United States: "No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due." That was the stipulation for the benefit of those States that held slave property, and that was one of the considerations that induced them to enter into this contract. But were there no other States that required guarantees for slave property besides those which are now slave States? I think there were. Let me read another clause in the Constitution, from Section 9, of Article 1: "The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808." What can that mean? Why that was a guarantee that the African slave trade should not be prohibited until 1808. Who was it that asked for that guarantee? Do you know, sir, that every New England State voted for that clause in the Constitution which deprived Congress of the power to stop the African slave trade until 1808? Yes, every New England State voted for it, old Massachusetts being the loudest in its behalf; and old Virginia and Delaware voted against it. Why that clause in the Constitution? Why, the African slave trade was profitable for New England ships. It was lucrative for Massachusetts speculators, and they did not want it stopped. Ah, no! Their consciences had not become tender then on the subject of human slavery. See how carefully they guarded their African slave trade. They were afraid that there might be some amendment to the Constitution that would do away with this speculation, and so they must have another clause in regard to it. What is that? Here it is. Article 5 of the Constitution provides for the manner of amending the Constitution; but these shrewd African speculators were afraid that the Constitution might be amended so as to deprive them of their trade, and they inserted this clause: "Provided, that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrages in the Senate."

They actually guarded against an amendment to the Constitution which should deprive them of this African slave trade? Very well; what is the consequences? They sent out their ships, they knew that time was short, that it would expire in a few years, they multiplied their trade, they called in additional seamen, they sent to the coast of Africa, they kidnapped, and bought with beads and gewgaws, and brought back the negroes to America, sold them down South and lined their own pockets with gold. [Applause.] All perfectly legitimate! All perfectly right! All entirely consistent with the laws of Almighty God! But just as soon as the speculation stops, so soon do their consciences begin to gnaw. Then what do we see? Why, sir, when they had become rich, when out of the price of African slaves they had built up their factories, populated their cities, erected stately and gorgeous mansions, and established schools and seminaries; when they had done all this, we find a certain set of politicians, and a certain set of religionists, lecturing and declaiming from those very pulpits, aye, from those very schools that had been built by the price of African flesh and blood. We hear those very pulpits, and those very schools resounding with declamation against the horrors of slavery. The minds of the people are aroused, excited, and they are taught to believe that slavery is a crime against God and man, and must be abolished. What then? Then it is that we hear your Sewards, your Hales, your Giddings, and your Chases, and others of the same stamp, preaching to the people—what? The necessity of the abolition of slavery, of the violation of their own oaths, and of the Constitution under which they live. Here, again, I propose to sustain myself by authority. I beg leave to read a short extract from a speech of William H. Seward, delivered in 1848; and I do so not only for the purpose of shewing the steady and persistent way in which the friends of abolitionism have followed up their diabolical purposes, but of showing the absolute inutility of laws and Constitutions when they conflict with the great popular mind. Mr. Seward says: "Wherein do the strength and security of slavery lie? You answer that they lie in the Constitution of the United States, and the Constitutions and laws of the slaveholding States. Not at all. They lie in the erroneous sentiment of the American people. Constitutions and laws can no more rise above the virtue of the people than the limpid stream can climb above its native spring. Inculcate, then, the love of freedom and the equal rights of man under the paternal roofs; see to it that they are taught in the schools and in the churches; reform your own code." There is a politician telling you what must be done in the churches and in the schools! Aye! a lovely teacher of morals and religion he! "Extend a cordial welcome to the fugitive who lays his weary limbs at your door, and defend him as you would your paternal gods." This is the language of William H. Seward. The Constitution says that the fugitive must be surrendered to his master; and Seward says, "No, defend him as your household gods." Again: "Correct your error—that slavery has any constitutional guarantees which may not be released, and ought not to be relinquished." What does this mean? Do you tell me this is only the opinion of William H. Seward—that the Republican party are not to be held responsible for the opinion of Mr. Seward? I tell you that the Republican party, at the Chicago Convention, gave Mr. Seward one hundred and eighty-four votes for President, and thereby indorsed that sentiment. Where is the Republican that does not indorse Mr. Seward as a good and genuine Republican? Why, sir, in yonder chamber,[the Senate chamber,] not many days ago, I heard a most brilliant eulogy pronounced on Mr. Seward, by a gentleman, too, who claims to be the peculiar friend of the Constitution and of the Union. But those views are not confined to Mr. Seward. I propose now to read from a speech of another leader of the Republican party. In the Congress of the United States, in 1850, Joshua R. Giddings used the following language:

"Gentlemen will bear with me when I assure them, and the President, that I have seen as many as nine fugitives dining at one time in my own house."

Mr. LASPEYRE—How many?

Mr. MONTGOMERY—Nine! Nine at one time in the house of Joshua R. Giddings! There is the doctrine that he pronounced in the Congress of the United States. With an oath upon his lips to support that Constitution he has the hardihood and

audacity to rise in his place and proclaim that he has harbored as many as nine runaway negroes at one time! Oh, he is another lover of the Union and of the Constitution. As many as nine! But what else?

Mr. Bennet, of Mississippi, remarked: "I want to know if the gentleman would not have gone one step further?

"Mr. GIDDINGS—Yes, sir; I would have gone one step further. I would have driven the slave-catcher who dared pursue them, from my presence. I would have kicked him from my door-yard if he had made his appearance there; or, had he attempted to enter my dwelling, I would have stricken him down upon the threshold of my door."

There is the language of one of your Union savers—one of your lovers of the Union and of the Constitution! But perhaps you tell me that this is only Joshua R. Giddings. It is true that it was only he who said it; but were there not a great many more who thought it? Did they not continue him in office after he had used this language? And was not he one of the men who helped to nominate Lincoln for the Presidency? Aye! Was not he one of the pure lovers of his country who was deputized to Chicago to help to make a President—to nominate a President for this great Republic of ours? Only the sentiments of Giddings? I will call the attention of the House to another fact in connection with Giddings: In 1850, he introduced into Congress a resolution reiterating that clause in the Declaration of Independence which says that all men are born free and equal, and entitled to the inalienable rights of life, liberty, and so forth; and he followed it up with another, which declared that it was the duty of Congress to secure to all the people in the Territories, irrespective of color, all those equal rights. A motion was made to lay that resolution on the table, and was carried by 104 to 99, the whole Freesoil party voting with Giddings. That it was necessary for Congress to secure equal rights to negroes and white men in the Territories! Was that only the sentiment of Giddings? How are the Republicans going to explain these things? I say that I hold the Republicans responsible for them, and the country will hold them responsible for them.

Mr. Wade, of Ohio, is another Union-saver. I Want to read something he said about six years ago on this subject. He said, in 1855:

"There was no freedom at the South for either white or black, and he would strive to protect the free soil of the North from the same blighting curse. There was really no Union now between the North and the South; and he believed no two nations upon the earth entertained feelings of more bitter rancor toward each other than those two sections of the Republic. The only salvation of the Union, therefore, was to be found in divesting it entirely from all taint of slavery. There was no Union with the South. Let us have a Union, said he, or let us sweep away this remnant which we call a Union. I go for a Union where all men are equal, or for no Union at all."

Senator Wade, who now stands prominent in the Senate as a leading exponent of the Republican doctrines, declares that he goes for no Union unless it is a Union of all men. where, of course, blacks as well as whites are equal, and yet he is another of the Union-savers of to-day. Yes, he loves the Union, but he wants a Union with the African race, not with his white brethren; or rather, perhaps, I should have said with his African brethren, and not with the white race. This theory of Mr. Seward has been followed. It has been acted upon. They have preached it in the pulpit. They have taught it in the Sunday Schools, through their newspapers, and by their books, until the vast majority of the people in several States of this Union are thoroughly imbued with this doctrine. What has been the consequence? Why, nearly every Northern State has upon its statute books laws which bid defiance to the Fugitive Slave Law—laws which punish men for obeying the Constitution—laws which place before the officer the perilous alternative of perjury on the one side, or the State Prison upon the other—laws which say to the officer, "If you obey your constitutional oath—if you obey the Constitution of the United States, which you have sworn to obey, you go to the penitentiary, and also subject yourself to a fine." What has been the consequence of those laws? Will gentlemen say that no loss has ensued therefrom? But I will come to that directly. Not only have the Republican party, as a party, done all that lay in their power to thwart the enforcement of the Fugitive Slave Law; not only have they done all to violate the Constitution of the United States, which guaranteed the surrender of this species of property, but they have gone farther—they have asserted the principle that there is no property in slaves. They have asserted the principle that the Constitution is void to the extent that it provides for property in slaves. Does anybody deny that this is the Republican doctrine? If so, I propose to call his attention to the Republican platform, one article of which declares as follows: "That the maintenance of the principles promulgated in the Declaration of Independence—'that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed'—is essential to the preservation of our republican institutions." Now we all admit that doctrine in the sense in which the framers of the Declaration of Independence used it. But we deny that ever it was intended to apply to the condition of the African slave, and I ask if tho Republican party do not assert that it is applied to the African slave? I ask if that is not a part of their doctrine? I challenge contradiction upon this point. They assert that the clause of the Declaration of Independence applies as well to the African negro—the African slave—as it does to the free white man. In support of this, it is only necessary for me to call attention to the resolution of Giddings, in 1850, to which I have just referred, declaring that it was the duty of Congress to secure to all the people of the Territory, irrespective of color, all those rights which are specified in this clause of the Declaration of Independence. But I need not stop there for authority. I hold in my hand what is known as the Helper Book, a book of no consequence, of course, if it only had received the indorsement of one man. But it must be remembered that this book has received the indorsement of sixty-eight Republican members of Congress, each of whom represented, probably, a population of over 100,000 people, and consequently they represented, in the aggregate, a population of over seven millions of people. What are the principles contained in that book which the representatives of seven millions of people indorsed? I read from page 123 of the Helper Book:

"The oligarchs say we cannot abolish slavery without infringing on the right of property. Again we tell them we do not recognise property in man; but even if we did, and if we were to inventory the negroes at quadruple the value of their last assessment, still, impelled by a sense of duty to others, and as a matter of simple justice to ourselves, we, the non-slaveholders of the South, would be fully

warranted in emancipating all the slaves at once, and that, too, without any compensation whatever to those who claim to be their absolute masters and owners."

And how is it proposed to emancipate these slaves. Helper has kindly informed us? Here is the plan that is proposed by Helper, and consequently proposed by sixty-eight Republican members of Congress. He recommends:

"First—Thorough organization and independent political action on the part of the non-slaveholding whites of the South.

"Second—Ineligibility of slaveholders—never another vote to the trafficker in human flesh.

"Third—No co-operation with slaveholders in politics; no fellowship with them in religion; no affiliation with them in society.

"Fourth—No patronage to slaveholding merchants; no guestship in slave-waiting hotels; no fees to slaveholding lawyers." That's hard—[Laughter.] "No employment of slaveholding physicians; no audience to slaveholding parsons.

"Fifth—No recognition of pro-slavery men, except as ruffians, outlaws and criminals.

"Sixth—Abrupt discontinuance of subscription to pro-slavery newspapers.

"Seventh—The greatest possible encouragement to free white labor.

"Eighth—No more hiring slaves by non-slaveholders.

"Ninth—Immediate death to slavery, or if not immediate, unqualified proscription of its advocates during the period of its existence."

Thus we have the programme laid down and indorsed by sixty-eight members, representing seven millions of people, by which the institution of slavery is to be extinguished. What more? Why, still acting upon Seward's theory of shaping the public mind, they carry on this work of revolution, until throughout the entire Northern States there is an overwhelming majority of the people in favor of the ultimate extinction of the rights of fifteen States of this Union; and that sentiment has culminated in the election of a President who boldly avows the doctrine that these States must become all free or all slave. Not only that, but when the South became alarmed at the progress which this party was making—not at the mere idea of the election of a Republican President, but at the idea that there was at the North an overwhelming sentiment against their rights and liberties as co-equal States of the Union—when they became alarmed and threatened to leave the Union unless they could be guaranteed their rights, what answer did we hear? Why, from every quarter we are told, "You don't dare to leave the Union. You cannot be kicked out of the Union." And when they again protest that they will withdraw from the confederacy unless they are guaranteed in their rights, what further answer do we hear? Why, they are told that if they want to know what the opinion and sentiments of their opponents are, to look at their platform. Again, when Senator Wade was appealed to in the Senate of the United States to know if he was in favor now of enforcing the Fugitive Slave Law, his answer was that he did not come there to be catechised. And afterwards, when he was again appealed to, to know what his sentiments were upon this subject, he referred them to his speech—the same speech in which he had said he did not come there to be catechised. When Trumbull, of Illinois, arose, at the time of Lincoln's serenade, for the purpose of giving expression to his views and the views of his party, what did he say? Why, he told the people coolly that they were not going to have any more Dred Scott decisions now. Not one word about the enforcement of the Fugitive Slave Law, but they were going to have no more Dred Scott decisions. That is, in plain language, the Supreme Court will have been so reorganized, so reconstructed, that the people of the South must look in vain for their rights in the future. Well, what was the South to do under these circumstances? What was the course of South Carolina, of Alabama, of Georgia, of Florida, and of Mississippi? What ought they to have done when a party was elevated to power sworn to destroy their rights? Why they say those States must wait for overt acts. Is not that the answer? Is not that the word? Wait for over acts! What over acts? Has not their property been stolen? Kentucky alone has lost over $200,000 worth of property per annum, by violation—wanton and willful violation of the Fugitive Slave Law: and when the Governor of Kentucky made a demand upon the Governor of Ohio to surrender up a negro-stealer, he was coolly told that negro-stealing was no offence under Ohio law. And yet they are to wait for overt acts! You meet a robber upon the highway, he rifles your pockets, takes your purse, and then draws a pistol and presents it to your breast, and when you make an effort to get out of his way, he bids you "wait for an overt act!" They have stolen our property; burned our houses; poisoned our wells; sent their abolition emissaries with pictures and books to poison the minds of our slaves, and they have now elected a President, sworn to the destruction of our rights, and yet they say "wait for overt acts!" Great God! Overt acts! Well, what else do they say? They say it is not the General Government that does all these things, it is the States. It is true, they tell us, that Massachusetts has its unconstitutional law nullifying the Fugitive Slave Law; it is true that Connecticut and Ohio and various other States, have similar unconstitutional laws; but all that is the work of the States; the Federal Government did not do it, and consequently the South has no right to complain of the Federal Government. Here is a case in point, to illustrate the theory of these gentlemen who contend that this is merely the work of the States and not of the Federal Government. I will suppose, Mr. Speaker, (Mr. Curtis presiding), that you, the gentleman from El Dorado (Mr. Conness), and I, form a copartnership for the purpose of carrying on business. Suppose you and I took all the money we could get hold of belonging to the concern, and besides, took every occasion to rifle the pockets of the honorable gentleman from El Dorado; then, suppose he complains, and says he wants to withdraw from the company, and we reply to him, "Mr. Conness, you must not complain of the company; it is not the firm that did it; it is true the gentleman from Sacramento, and the gentleman from Sutter have stolen your money, but these are individual acts; you have no right to complain of the firm; that did not steal your money." [Laughter.] That is the answer these gentlemen make. The States are the parties to the contract, and these very parties that by that contract bound themselves to surrender fugitives from labor, have themselves violated the contract, and taken every occasion to steal the property of the Southern people. But they tell us it is a mere act of the States, and not the Federal Government. I wonder how the gentleman from El Dorado would like the argument when applied in that sense? After all, this is but a partnership of States. Our Constitution is but a contract between States, and the Federal Government is the result of the contract. I will suppose

another case; that the United States, Great Britain and France, enter into certain treaty stipulations, by which it is proposed to form a league for the protection of the commerce of each of these three nations, from the aggression of the Spaniards, if you choose. Then suppose that after the treaty has been solemnly entered into, signed and ratified, Great Britain, by an act of Parliament, and France in the same manner, should authorize their citizens to prey upon our commerce, to board and plunder our ships, and when the United States complained that her treaty had been violated, and refused any longer to be bound by it, would it do for these Governments to say, "It is only Great Britain or only France that does these things, and not the league? I wonder if our Government would stand by and permit those acts to go on? I think not. Well, that is a case in point. Here were thirteen original States that entered into a solemn treaty in the most solemn form, by which it was stipulated that fugitives from labor should be surrendered up when they escaped from one State into another, and we find twelve or thirteen States, including some of the original States, bidding defiance to that stipulation, and doing all they can to defeat it. And yet they say the South has no right to complain. There is another argument used in this connection by those who contend against the right now proposed to be exercised by the South. They say South Carolina ought not to complain. They say "we steal $200,000 worth of negroes a year from Kentucky, and she don't say much about it, and when we get only a few negroes from you you have no right to complain, certainly. (Applause.) That is the logic; I am only putting it in plain language. The argument is, that South Carolina suffers a very little, and Kentucky and other border States suffer a great deal. Well, is that any season why South Carolina should submit to wrong, because Kentucky has heretofore submitted? Suppose a thief enters your house and steals from you four bits, and is making his way into your safe to rob that, when you stop him and say, "This wont do; I wont permit it; what do you mean you villian?" Why the fellow says "Here is your next door neighbor, whom I have been robbing for the last twelve months, and have taken away every cent he had, and he said not a word about it; it is strange, indeed, that when I got only four bits from you, you make an outcry and will not permit me to go any further." Is not this the logic of their argument? Because Kentucky stood still and permitted her citizens to be robbed, because Tennessee may have done so, shall South Carolina wait and wait until her rights have been trampled upon to the same extent? I think it is time for South Carolina to take warning by Kentucky. If Kentucky has lost $200,000 per annum by these aggressions, and these aggressions are still advancing on, and on, I say it is time South Carolina, Georgia, Alabama and Mississippi took warning.

Mr. CROCKER—I would like to ask the gentleman from Sutter a question.

Mr. MONTGOMERY—Certainly.

Mr. CROCKER—Does the gentleman charge the Northern people with having stolen every slave that succeeds in achieving his freedom by running away?

Mr. BLAIR—I hope the gentleman from Sacramento will not interrupt the gentleman with questions.

Mr. MONTGOMERY—I do not charge the Northern people with it, but I do charge the Abolition party. If they did not steal the negroes, they concealed them after they were stolen, and I do not consider the receiver as any better than the thief; not a bit. Is that answered satisfactorily.

Mr. CROCKER—No, sir.

Mr. LASPEYRE—Pretty much.

Mr. MONTGOMERY (procceding)—The question that presents itself to this people, and to us now, is what course the South had left to pursue. It is admitted that their constitutional rights had been violated. Who denies it? Did not the Chairman of the Chicago Convention that nominated Lincoln, acknowledge, in a letter recently written by him, that these Personal Liberty Bills were in violation of the Constitution? Does anybody deny that the slave States have suffered heavy losses for years and years past? Must they submit to these things? Sir, it will not do to say that South Carolina and Alabama suffer but little. Have gentlemen forgotten the principle upon which our forefathers fought for American independence? Was it the burthen of the tea tax that induced them to take up arms? They were told it was but a light tax, an insignificant burthen, and one of the British Ministers declared in Parliament that he would be satisfied if the Colonies would surrender to the Crown but so much as a peppercorn, just to acknowledge the principle, that was all. But it was the principle that our forefathers would not acknowledge, whether it was to the amount of one cent or one dollar? Once establish your diabolical principle, and you accomplish your purpose. Once establish the principle that it is right when a fugitive escapes into a free State to conceal him and rob the master of his services, and you will have acquired all you want. It is against the principle that these people are contending. Why, sir, at the time old Gessler fixed his cap upon a pole and commanded that the Swiss people should all bow to it, it was not because it was so much labor that William Tell refused to bow. No; it was the principle involved. He was a freeman, and as a freeman he bade defiance to the power of a tyrant, and refused to bow, not that there was anything wrong in the cap, but because the principle was wrong. He was a freeman and would not wear the badge of slavery. [Applause.] So South Carolina has a free people, and she will not bow to your Gessler's cap. She will not permit you even to steal one "nigger" in every ten years, and before God I say she is right. [Applause.] It is a principle she is contending for, and not the mere consideration of the "nigger." In this connection I propose to call attention to the position of the slave States in the event that this doctrine of a consolidated Government prevails. Those who teach the doctrine of a consolidated Government teach a doctrine that must of necessity drive every slave State out of the Union. And why? If ours is a consolidated Government of the whole people, acting together, what is to prevent them from abolishing slavery by constitutional enactment any day they please? They have the power, if ours is a consolidated Government, any day, by constitutional amendments, to abolish the institution of slavery, and abolish every other right that the slave States have; and those who are contending for a consolidated Government, I repeat, are contending for a doctrine that should drive every Southern State out of the Union, in self defence. Yea, it should drive every State, whether slave or free, out of the Union. What has South Carolina done? What has Georgia, or Alabama, or Mississippi, or Florida done? Before you can judge

of any act, you must determine the circumstances which induced the act. For example, if I be asked if it is right to kill a man, I would say, no, of course it is not right; but if you ask me "Is it right to kill a man in self defence," I would say, yes, certainly it is right. So, if you ask me if it is right for South Carolina to secede from the Union, I say no; but if you ask me if she has a right to secede in order to protect her rights, I would say, yes, it is her right.

Mr. CONNESS—On this point I would like to ask the gentleman a question, if he has no objection.

Mr. MONTGOMERY—None in the world.

Mr. CONNESS—My question is this, and it is a plain question: Does the gentleman undertake to say that the circumstances surrounding the Southern States now are a sufficient cause for secession, and is he in favor of that secession?

Mr. MONTGOMERY—I do say unequivocally that the present position of the Republican party, of hostility towards the rights of the South, unretracted as it has been, is a sufficient cause for them to put themselves in an attitude to defend their rights. That is what I say. [Applause.]

Mr. CONNESS—I wish a more distinct answer from the gentleman to my question, if he will give it. I do not desire to know whether, in a general way, he or the South complains, because I know that they do complain of the doctrines advocated by the Republican party or the acts of that party. But I ask him specifically, and desire a specific answer, whether the acts complained of are sufficient cause for secession, and whether he justifies secession in the face of the acts that are now specifically committed or presumed to be committed?

Mr. MONTGOMERY—I justify every one of the States that has withdrawn from the Union in doing so. I say before God that I believe it is right. But I say further: I trust in God that they will never consent to come back into this Union until they come back with the fullest assurance that their rights will be guaranteed to them. [Applause.] If those Southern people would consent to be slaves, I say they would be fit instruments—as Lord Chatham said of the people of the Colonies—with which to make slaves of all the rest. Let them surrender their constitutional rights, and the first thing you know California will be asked to surrender hers. A spirit of oppression and wrong never recedes of its own accord. It always assumes to itself more powers. And, let the Abolition party be taught that it can trample with impunity on the rights of fifteen States of the Union, and but little security would the sixteenth have.

A great deal has been said about the reaction of public sentiment, and what South Carolina and the other States should have done in order to get their rights in the Union. Now, I ask, what additional reason could South Carolina and other States have brought to bear that they have not brought to bear a hundred times? And did it ever do any good? What new argument could South Carolina have used to bring about a reaction in the sentiment of the Republican party? What new reason could she give? Was there any? When did this reaction, that we now see taking place, first begin? We are told now that Seward has come out in a flaming compromise speech. Does any body know the source of this compromising spirit? Would he ever have manifested it if South Carolina had not gone out of the Union and other States followed? I wonder if the gentleman from El Dorado (Mr. Conness) thinks that he would. It was useless for them to threaten disunion, or to appeal for protection to the Constitution and laws of the land. They had been appealed to until they had become mere passing by-words. What other course was left to South Carolina but that she has adopted? She has determined finally, after every appeal to reason and patriotism has been exhausted, to stand upon her own rights; and other States have determined to stand with her. And now we see a reaction coming about, and I trust in God that it may be a sufficient reaction. I hope that the Union will be preserved—not preserved, because this Union is already dissolved, disguise facts as we may; but I hope it will be reconstructed. Before I go further, to make my argument perfectly distinct and plain, that there may be no difficulty in following me in it, I will state it thus: wherever there is a compact between sovereign States by the terms of which each State agrees to surrender certain rights in consideration of certain protection, a failure on the part of one or more of said States to receive such protection authorizes such State or States to withdraw from the compact. Does anybody deny that proposition? In other words, a violation of a compact between sovereign States releases the parties whose rights have been violated under the compact.

Mr. CONNESS—Again I would like to trouble the gentleman with a question.

Mr. MONTGOMERY—Certainly.

Mr. CONNESS—I ask the gentleman what tribunal or what Court is to determine when these rights have been violated? whether he is in favor of separate, distinct States determining the question, or the Supreme Court of the United States?

Mr. MONTGOMERY—I will answer in the language of the Kentucky resolutions, which are a part of the Cincinnati platform; and as the gentleman it a good Democrat, of course that will be a sufficient answer.

Mr. MUNDAY—I should like to ask the gentleman a question.

Mr. MONTGOMERY—One at a time, if you please, Mr. Munday. I know it is your day, (being Monday,) nevertheless I must answer the gentleman from El Dorado first. [Laughter.]

Mr. MUNDAY—No matter about the day.

Mr. MONTGOMERY—I assert that when a question arises about the violation of the compact, each State is to determine for itself whether the compact has been violated or not; and if the gentleman is a good Democrat, that is his doctrine. I now read from the Kentucky resolutions, which are a part of the Cincinnati platform. I read them before, but they seem to have escaped the gentleman's memory. [Mr. Montgomery read again the extract which is given in a previous portion of his speech. Is that good doctrine? [After a pause.] Ha! He is no Democrat, or he could have answered it with a word.]

Mr. CONNESS—I am most happy that I have furnished the gentleman with some amusement by asking those questions.

Mr. MONTGOMERY—Excuse me a moment. I want to know if that is good doctrine.

Mr. CONNESS—When I make a speech I will be subject to interrogation. I think it is my turn, now, to make interrogation. I admit that a State may so far consider the question whether she is infringed upon or not, as to prepare for an appeal to the proper authority to correct those infringements. That is how I understand the doctrine from which the

gentleman has read. But I ask him again, and desire him to be specific in his answer—I desire the member from Sutter, and not the Kentucky resolutions, to answer me—does he undertake to say here, authoritatively, for himself and his party, that at the moment at which a State may consider the question whether she has grievances as against the whole people or the Federal Government, or not, she is to perform the act of secession and act upon it, in place of going forward and making an appeal to the Courts of the country, and the Congress of the country? I ask him to answer that question specifically.

Mr. MONTGOMERY—I would much prefer that the gentleman should answer my question first.

Mr. CONNESS—Then I answer it in this way—that it is good doctrine so far as it goes. It does not go to the extent of my interrogatory. I ask him whether he justifies a State in secession or revolution, at the moment that she feels herself aggrieved in the Union; or whether her proper course then is to go to the Congress of the nation and the Courts of the country for redress?

Mr. MONTGOMERY—I say that she is to determine, in the language of the resolution, for herself as to the infractions of the compact, and as to the mode and measure of redress.

Mr. CONNESS—Now, then, one more point. Is she also to determine the period, the exact time at which she shall seek redress?

Mr. MONTGOMERY—Of course she is.

Mr. CONNESS—All right.

Mr. MONTGOMERY—Who else is to determine it?

Mr. CONNESS—We understand each other now.

Mr. MONTGOMERY—Who else?

Mr. CONNESS—The Courts of the country.

Mr. MONTGOMERY—What Courts?

Mr. CONNESS—The Courts of the United States, and the Federal Congress.

Mr. MONTGOMERY—Ha!

Mr. CONNESS—Ha!

Mr. MONTGOMERY—Ha! The Courts of the country and the Federal Congress are to determine when a State has sufficient cause to withdraw from the Union! Suppose then the Federal Congress sees fit to pass a law to crush out the last constitutional right we have in California, we must go to the Federal Congress to know whether we must submit to it! We must go to the tyrant to know if tyranny is proper! [Applause.] That is the doctrine. I wonder if a tyrant ever would acknowledge that he had done wrong. Go to the Federal Congress to know if she has done wrong or not—to know whether our constitutional rights have been trampled under foot or not! Why, the gentleman could not have paid attention to this resolution, or else he cannot endorse it. [Mr. Montgomery again read his previous quotation from the Kentucky resolutions.] And yet you tell me that you must go to the Federal Congress! Is not the Federal Congress a part of the General Government? and how can you claim to stand upon that doctrine, and yet claim that you must go to the Federal Congress to know if the Federal compact had been violated or not?

Mr. CONNESS—The gentleman utterly misapprehends me. I won't say to him that he is not capable of apprehending me; I know he is, but he misapprehends me. I say that it is the duty of the State to go to the Federal Congress for redress of grievances caused by the acts of States or of the Federal Congress. If the Congress refuses that redress, then if a State have wrongs unredressed she appeals to the Courts of the country for an exact definition of her rights. It then becomes the duty of the Executive of the United States to carry out the decisions of the Courts. That is my position; I ask that gentleman if it is not his?

Mr. MONTGOMERY—Why sir, admitting, for argument's sake, the gentleman's position to be correct, how often have we already been to Congress? Has not the Congress already passed the Fugitive Slave Law? What more could she do than she has done? Has she not passed a law, and the Federal Court determined that that law is constitutionally correct? And yet do we not find that law defeated on every occasion, when it suits abolition taste to do so? Yet we are told we must go back to the Federal Congress to know what we must do. I say, in the language of that resolution, that it is for the States, the co-equal parties to this compact, to determine, each for itself, as to the infractions of that compact, and as to the mode and measure of redress. If that be not the gentleman's doctrine, he is no Democrat.

Mr. CONNESS—If a member of a community, of civil society, feels his rights infringed upon by other members of the community, are the measure and time of redress to be determined by the individual citizen or not?

Mr. MONTGOMERY—I say the individual citizen does not occupy the same relation to the Government that the sovereign, independent States do.

Mr. CONNESS—Ah! then that involves the question of sovereignty again.

Mr. MONTGOMERY—But I say further, and in this I have the authority of Mr. Madison, that even treating the Federal compact as the work of individual citizens, there is an implied agreement in the compact, even in that view of it, that whenever the Government refuses protection, the citizen has a right to refuse obedience. Now, to illustrate: The law prohibits me from killing a man. But suppose I am attacked on the highways. The Government cannot protect me. I cannot appeal to the Government; there is no time for such action. I then have a right to take the law into my own hands and protect myself. Now, if, as an individual, I have a right to protect my own rights, when the Government fails to protect me, how much more has a sovereign State the right to protect its citizens when the Federal Government fails to protect them. Now let me read from Mr. Madison to establish that point:

Mr. MUNDAY—Will the gentleman permit me to ask him one question now?

Mr. MONTGOMERY—Yes, sir.

Mr. MUNDAY—In what case has the Federal Government ever failed to sustain the rights of South Carolina?

Mr. MONTGOMERY—I suppose that has been sufficiently discussed already. If the gentleman has paid attention to the course of my argument, he has had his question answered.

Mr. MUNDAY—I did pay attention, but I have not heard it justified yet.

Mr. MONTGOMERY—If the gentleman has paid attention, then he has his answer; if he has not, I cannot repeat the argument. I was going to call the attention of the gentleman from El Dorado to the point illustrated by Madison. I read from the debates of the Federal Convention, the Convention which formed the Federal Constitution.

"It has been alleged that the confederation having been formed by unanimous consent, could be dissolved by unanimous consent only. Does this doctrine result from the nature of compacts? Does it arise from any particular stipulation in the Articles of Confederation? If we consider the Federal Union as analogous to the fundamental compact by which individuals compose one society, and which must, in its theoretic origin at least, have been the unanimous act of the component members, it cannot be said that no dissolution of the compact can be effected without unanimous consent. A breach of the fundamental principles of the compact by a part of the society, would certainly absolve the other part from their obligations to it."

A breach of the compact, says Mr. Madison, will relieve the party whose rights have been violated, from all obligation to it. That is the doctrine of Madison.

Mr. BLAIR—Will the gentleman from Sutter allow me to ask him one question? Do I understand the gentleman to say that Congress has no power, or is unable to execute the Fugitive Slave Law? I merely ask for information.

Mr. MONTGOMERY—I say that Congress has no power to execute the Fugitive Slave Law, further than it has done, that I am aware of. If it had, I suppose it would have been done, and that brings me to another point.

Mr. BLAIR—I do not wish to be discourteous. I admire the gentleman's frankness, although I differ with him *toto cœlo*.

Mr. MONTGOMERY—The interruption is no discourtesy. I do not so regard it. I say this: that Congress has passed a Fugitive Slave Law, and I know of no means by which Congress can secure its enforcement practically beyond that. Well, the several States where it was necessary to enforce the Fugitive Slave Law, have passed laws to punish its citizens for executing that law. Now, sir, what power has Congress to prevent the State from sending its citizens to the Penitentiary? What power has Congress to prevent the State of Ohio from sending to the Penitentiary those citizens who undertake to return a fugitive slave? Why, sir, I will go further, to show the impracticability of enforcing this Fugitive Slave Law in a State where the great mass of the people are opposed to it. Suppose that the President was to call out the Federal troops; suppose that Congress, upon the call of the President, should declare war against a State—which I maintain it has no right to do—but suppose the Federal troops were to be ordered out, with the concurrence of Congress or without its concurrence, for the purpose of enforcing the Fugitive Slave Law; and suppose the troops were resisted; and further, that the parties resisting were seized by the Federal authorities. I am placing the thing in the most favorable point of view now possible. Suppose that the Federal officers have made prisoners of the men who attempted to resist the enforcement of the Fugitive Slave Law; what are they going to do with them? You tell me you can indict them. Of course you can in Ohio, where they have Courts. But what next? Try them? By whom? By the people of Ohio? You can't do it out of Ohio. You have got to pick your jury there; and I ask, is it reasonable to suppose, with all the chances in their favor, resulting from the state of public feeling that now exists there, that you could ever convict a man for resisting the Federal officers when executing the Fugitive Slave Law?

Mr. CROCKER—They have already convicted them.

Mr. MONTGOMERY—When? recently?

Mr. CROCKER—Yes, last year.

Mr. ROSS—Will the gentleman give way and allow me to make a motion to adjourn?

Mr. MONTGOMERY—If it is the desire of the House, I will do so. [Cries of "Go on."] I will yield to the pleasure of the House. It may be in a few isolated cases the Fugitive Slave Law could be enforced: but I say that practically the thing amounts to a nullity; practical experience shows it. Is it denied that Kentucky lost $200,000 worth of property by the violation of that law during the past year? How is that, if this law can be practically enforced? I say it cannot, and why? Because there is a public sentiment against it. It is not on account of deficiencies in the Federal law, or in the will of the Federal officers; but it is in the deep-rooted popular sentiment, which is averse to the institution of slavery. It is that which renders it practically impossible to enforce the law. There is the difficulty. Then, under these circumstances, I ask what course is left to these States? Either they must submit to a surrender of these rights which were guaranteed to them under the Federal Constitution, or they must act upon their own judgment, and declare the compact violated, and determine for themselves, in the language of the Kentucky resolutions, as to the mode and measure of redress. For this it is proposed to make war, not upon the States, as says the gentleman from El Dorado, (Mr. Conness,) but upon the citizens of the States. Not upon the States, but upon the people of the States it is proposed to wage a war. Let us consider for one moment the consequence of such a war. Where and in what is it to end? Does any one doubt that in the event of such a war, the first drop of blood spilled would cement the entire South as one man? Aye, more. Let not gentlemen deceive themselves by supposing that the North would be unanimous for crushing the rights of the South. No, sir. The moment it was proposed to send a Northern army to battle against their Southern brethren, that moment there would arise in the North a counter army, and, believe me, the Federal army that proposed to cross the line would never be permitted to do so without a protest coming from Northern men—a protest written in characters of blood. [Applause.] Now, let gentlemen not deceive themselves. Why, even in old Massachusetts we hear of riots, of mobs; we hear of the people rising in their might for the purpose of wreaking their vengeance upon those popular abolition leaders, who have deceived and misled them to their ruin. Let not gentlemen suppose that this is going to be a unanimous thing in the Northern States. But suppose the war commenced, against whom is it to be waged? Are they cowards? Why, they are the sons of the same noble sires that battled for our liberties in the revolutionary struggle. And it is not three millions of people, but it is ten millions of freemen whom you will have to beat; and these freemen, battling too for their own homes and firesides, around their own hearth-stones, and upon their own green sods. But suppose this army is successful; suppose this Northern army which you are going to send for the purpose of crushing out what you call Southern treason, is successful; what then? The history of the past teaches this lesson; that whenever there is a war of sections, and one section obtains an ascendency over the other, the weaker power forms an alliance with another Government; and that would be the case there, if you suppose it possible to crush out ten millions of freemen battling for their rights. The

moment they found themselves sinking, they would form an alliance with some other power. The war would then cross the line; an invasion of the Northern territory would take place; the North would then call in foreign aid, and thus a divided people would become the soldiers of two foreign enemies contending for empire upon American soil. Then, ah! then, farewell not only to the Constitution, not only to the Union, but farewell to liberty itself. [Applause.] And after this bright land of ours shall have become drunk with the blood of her people, upon the ruins of this once happy republic would rear its head a tyrannical dynasty. Then you would have a consolidated government. Then you would have a great central power that would indeed swallow up the sovereignty of the States. But suppose the advocates for coercion could obtain all their desire, all that they ask for? Suppose they could be entirely victorious and conquer the South, what would they have gained? Why, they say, the Southern people are traitors. Northern men say these people are traitors—not Northern men, but Republicans and their allies, charge that the South are traitors. Well, if that is so, will anybody tell me how much it will add to the honor, the glory, or the power of this Government to have locked up within its limits ten millions of traitors? Do gentlemen ever reflect upon that? How much of a standing army would it take to keep these traitors in subjection? Would anything short of 500,000 men be enough to keep them in subjection to Republican rule—to keep in subjection ten millions of traitors? Would it not take a million of men—[applause]—a million of men to subdue and keep in subjection fifteen States of this Union! And tell me, what would be the result of such an army as would be sufficient to keep these States in subjection to the Government? What would be the result of organizing and maintaining such an army? Why, sirs, in an evil day the commander of that army would assume to himself despotic powers, and rule with a rod of iron the very people whose battles he was sent to fight. But who is it that you are going to send to fight these battles? The Northern people are divided into two classes. One class believes that the South are contending for their rights, and the other, that the people of the South are traitors. And which class is it that believes they are traitors? Is it not the very class that themselves have perpetrated treason? But a few days ago I heard the Senator from Napa (Mr. Edgerton) announcing the doctrine that the passage of the Personal Liberty Bills were acts of treason against the Government. Who are you going to send to prosecute this war? Traitors; according to your own showing. You are going to send an army of traitors to punish treason. [Applause.]

But, sir, what position does California occupy in this struggle? If such a war is to be engaged in, I wonder if California will not be affected by it, either for good or for evil? Have gentlemen considered this question? In the first place, have they looked at the expense of such a war? Mind you, I do not complain of the expense of a war if it proves to be a just war, but when it is question of such a war as I have shown that this would be, it behooves us to inquire into the expense of it. It would be as well, perhaps, to look into the statistics of war in days gone by, that we may know what would be the expense of a war such as is now proposed to be waged against the Southern States. The war which Great Britain waged against the American Colonies cost the Government $680,000,000. The Revolutionary War of France, which raged from 1803 to 1815, cost France over five billions of dollars—that is over one million of dollars per day. There you may learn something of the cost of civil wars. More than one million dollars per day! Why, sir, the pitiful war which the United States waged against the miserable, naked Indians of Florida for six years, cost our Government $42,000,000. Then, how much is it going to cost to conquer fifteen independent sovereign States of this Union? Have gentlemen calculated the cost? And California, I apprehend, will have to pay something of the expense of that war, and who will have to pay it? Look around and see who are Californians. Are they all from Massachusetts? There are some good citizens here from Massachusetts. Are they all from Rhode Island? There are also excellent citizens here from Rhode Island, but not all from those, nor from the other free States. But look around and see our population. We are here from every State from Maine to Texas—from the North and from the South. We all have our friends and relatives back in some part of the Atlantic States, and in the event of a war between the North and the South, how would California stand affected? Should we take part in the war what would be the result? Why, Southern men would be called upon to put their hands into their pockets and pay their money for ammunition with which to slaughter their own brethren. Are you going to ask this? The gentleman from El Dorado (Mr. Conness) has asked me if I spoke of my party. I say that in this I speak for myself alone; and I tell you, before high heaven, I will die before I will ever contribute a dime to prosecute a wicked, unholy, unjust, black-hearted, Abolition war upon my Southern brethren. [Applause.] I hold that for the sake of the liberty, the peace, the prosperity, and the happiness of her people, California should stand aloof from the contest; she should in the event of civil war occupy a neutral position. Aye, if that day comes, California must begin the work of constructing a new Republic. [Applause.] I know that I incur the charge of treason, but I know likewise who it is that makes the charge. Call me traitor if you will, but I have not forgotten that our fathers in the revolutionary struggle were denominated traitors, and that they were the hired minions of British power that called them so. [Applause.] Is California prepared to urge on a war in which she is not willing to take any part? Let California look to herself. If this mighty Government of ours must crumble to pieces and fall, let California look to herself and to her own soil. Let her not remain within these crumbling walls until she, too, is crushed beneath their ruins. [Applause.] Let California look to herself. The moment that you attempt to make California contribute to carry on this unnatural and unjust war, that moment you bring civil war to her own doors. Let no man disguise the fact; that very moment you will bring civil war here into our own happy land, that moment do you array each man against his neighbor man, that moment do you make each private residence of each little family an encastled fortress for its own defense; that moment do you deluge our soil in the blood of our best citizens. Are we prepared for this? I say again, let no man deceive himself. It will not be Southern men against Northern men, but it will be the friends of liberty against the supporters of tyranny and wrong. There are warmhearted Northern men; brave and noble patriots that will never consent to

become the tools and instruments in the hands of tyranny to crush out the rights of their fellows. Look around you and see who are sowing the seeds of discord, and enmity, and hatred, amongst our citizens. I can scarcely pick up a newspaper of influence and extended circulation, but my eye falls upon some leading article written with the express purpose of arousing Northern men against Southern men. It will be stated that such and such principles are treasonable and rebellious, and "only Southern men would maintain them." I care not what the external department of newspaper editors may be, the editor who can pen an article for the purpose of arousing Southern prejudice against Northern men, or Northern prejudice against Southern men, that man is an assassin at heart. [Applause.] He is kindling the fires of war; he is breathing enmity and discord into the minds of our citizens; upon his head shall fall the blow when least he expects. Can it be that men of influence, men with a press at their command, men whose newspapers circulate with almost the rapidity of lightning throughout the land, have no higher ambition than to stir up enmity and feuds amongst our own people. Sirs, if this contest comes, which God forbid, amongst our Southern and Northern brethren, let Californiа at least show herself wise for once, and occupy a neutral position. Let her, in the language of the minority resolutions, declare that she will never consent to become the ally of one section in waging a fratricidal war against another section of our common country. Let her look to her own interest. Let her maintain peace and harmony here. Let all her citizens, whether from the North or from the South, treat each other as men and brethren. Let them look to the peace of society, the happiness of their own homes and firesides. And, if war does come in the East, let California, at all events, establish a home and an asylum of peace. And then, from the difficulties and perils of war, our brethren, both from the North and the South, will seek California as their home, and will come here with their families, with their wealth, their enterprise and their intelligence, and build up a great and glorious country. They will establish a Republic which will compensate, to some extent, for the loss of the one which seems now upon the brink of ruin and destruction on account of the folly of its own children. [Applause.]

Mr. Speaker, I have been necessarily discursive in my remarks, in part on account of being illy prepared, and partly on account of interruptions which unavoidably have occurred; but if I have said one word which will tend in the remotest degree to bring about that state of feeling which alone can save our common country from ruin, I shall be more than content. If there is to be a dissolution, let it be a peaceful dissolution; if there is to be disunion, let it be peaceful disunion. Let no drop of blood be shed to mark its history. Let us part in peace, and the time may come, and I trust will come, when the work of reconstruction may take place. When the minds of Northern men and Southern men shall have cooled, and reflection and reason resumed their former sway, I hope and believe that the statesmen of both sections of this great country will see the importance of reconstructing our Government, which has fallen, not by the hands of Southern men, not by the hands of Northern men, but by the hands of the Abolition party.

I know that I shall be followed in this discussion by gentlemen able as politicians and lawyers, and therefore before I conclude, I wish to state distinctly the propositions to which I wish to direct their attention:

First—I assert the proposition that the Federal Constitution is a compact between sovereign States.

Second—I assert that a violation of the compact to the detriment of the rights of a part of those States, releases such States from all obligation to that compact.

Third—I assert that the Federal compact has been violated by the enactment of what are called Personal Liberty Bills, and in various other ways.

And from these premises I draw the conclusion that the States which have withdrawn from the Union have exercised a right which belonged to them as separate, sovereign, independent States. I state the argument in this form in order that I may be more easily followed by those who are to come after me.

16

STATE OF THE UNION.

SPEECH

OF

HON. MURRAY MORRISON,

OF LOS ANGELES,

IN ASSEMBLY, FEBRUARY 27, 1861.

[REPORTED IN PHONOGRAPHY, BY A. J. AND G. V. MARSH.]

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1861.

SPEECH.

The House having under consideration the Resolutions reported from the Committee on Federal Relations, concerning the State of the Union—

Mr. Morrison said: Mr. Speaker—Were I this morning to consult my own feelings, *only*, I should be very far from obtruding any remarks of mine upon this House. Nevertheless, as the question which has been so long under discussion here is about to be removed forever from this hall, I desire, before final action shall be had upon it, to place my name on the record in connection with it.

Sir, we are in the midst of important and momentous times; and as the news reaches us across the plains, almost daily, from our brethren in the Atlantic States, announcing that star after star is falling from the great political firmament, men gaze in each other's faces in astonishment and awe, and ask what can be the reason of all this, and in God's name what is to be done? Yes, these are the questions, the grave and important questions which now demand a solution in the minds of the American people. Sir, when we look back upon the fact that little more than three-quarters of a century have passed since the time when a mere handful of bold and daring spirits located upon a narrow slope of this continent, bordering upon the Atlantic, and there attempted the establishment of a government for themselves and their posterity; when we reflect upon the fact that scarcely eighty years have elapsed since that important event occurred, and that now this nation, numbering thirty-five millions of souls, stretches from east to west, from ocean to ocean, across the broadest continent upon earth, reaching out one arm and bathing it in the angry billows of the Atlantic, whilst the other is laved in the gentle waters of the Pacific, extending one hand and grasping the tropical fruits of the south, whilst the other is washed in the waters of the silvery lakes of the north; when we reflect upon these facts, which indicate our mighty growth, and recollect that all this has been accomplished in the short period I have named, we are lost in astonishment and wonder at our own greatness and power, and the question at once forces itself upon us, How have we, in this short time, reached to such an eminence? It has been accomplished, sir, through the medium of those wise institutions, based upon the broad principles of civil and religious liberty, matured by the wisdom, the virtues and the patriotism of our ancestors. Our white-winged messengers of com-

merce now float upon every sea, whilst the stars and stripes command the unwilling respect and veneration of the kings and princes of the earth. [Applause.]

And now, sir, shall all this greatness, faintly yet truthfully portrayed, be at once and forever destroyed? Shall we, with parricidal hands, tear down this proud and noble structure, and scatter its ruins in the dust? No! sir. I trust that every American who loves his country and her institutions, will answer "No!" I believe that every true American in this land, whether he be of native or of foreign birth, will unite with me in that sentiment which, in the hour of peril, fell from the lips of one greater than us all; one whose name is linked with immortality; one, who though dead, still lives in the grateful hearts of his countrymen; one whose memory shall grow greener with the flight of time, and blossom through the lapse of ages. "When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster—not a stripe erased or polluted, nor a single star obscured—bearing for its motto no such miserable interrogatory as 'What is this worth?' nor those other words of delusion and folly, 'Liberty first, and Union afterwards;' but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every American heart, 'Liberty and Union, now and forever, one and inseparable!'" [Applause.]

Yes, my countrymen, I am proud to see that this noble, this patriotic sentiment, meets with a responsive echo in your hearts. California, around whose brow is yet clasped the diadem of youth—California, almost the last to kneel and give her plighted faith before the altar of this Union, will, I am sure, be among the last to revoke those solemn and sacred vows pronounced by her youthful and unsullied lips. [Applause.] It becomes important, sir, in the examination of the existing state of affairs, to look back upon our past history, and to ascertain the causes which have led us to our present mournful and unhappy condition. The unfortunate question is now again agitated, which has threatened, so often, in years gone by, the destruction of this Union, and in the folly and madness of its friends and enemies, has reached that point which threatens the most disastrous results—the most unfortunate consequences to us all.

There has been, almost from the very origin of our Government, a worm gnawing at the heart of this Republic. The present difficulties and dangers go far back beyond the late political contest. They may be traced through years and years which have gone by, and now lie buried in the grave of the past. Sir, I have heard declarations, both upon this floor and off of it, repeated declarations made by gentlemen

all over the country, that the South and the institutions of the South are aggressive, and that upon the people of the South rest all the responsibility and blame for existing difficulties. Let us for a few moments go back and turn over the pages of history and ascertain whether or not this charge be true.

I am sustained by the truth in the assertion that at the time of the adoption of the Federal Constitution twelve out of the thirteen original States acknowledged the institution of slavery in all its present force and effect; that seventy-five years ago, at the very origin of our Government, twelve out of the thirteen of the original States acknowledged the existence of this institution. And further still, that the Constitution itself acknowledges it in positive terms, and was framed by a man who was himself a pro-slavery man, and who acknowledged the domestic institution of slavery in all its present force, effect and power. Sir, the men who fought the battles of the Revolution, headed by the immortal Washington, were mostly, if not all of them, attached to the institution of slavery, and acknowledged its existence throughout the then colonies of North America. And, sir, if there had never been a single word in the Constitution of the United States, acknowledging the rightful existence of this institution, the very facts that it was then recognized, that it was not disclaimed or forbidden by that instrument, that the men who framed and adopted it themselves acknowledged and approved its existence, ought to be sufficient to so indelibly incorporate it in the Constitution itself, that no language should be required to sanction it.

Pass along with me, sir, a few years down the broad highway of history and what do we find? At the session of Congress of 1819–20, the Territory of Missouri knocked at the doors of the Union for admission. We find that upon that application of Missouri, a body of men at the North, with all the animosity of fanaticism, resisted her—that a large portion of both Houses of the Congress of the United States followed the behests of Northern bigotry. Missouri asks, with her Constitution in her hand, that she may be admitted. They say she shall not be. Missouri replies: "Why shall we not be admitted? Do we not come forward with a republican Constitution and form of Government? Have we not the requisite amount of population entitling us to admission?" The answer is "Yes; but you come with a slave code in your hands!" "Ah! and where and how is that forbidden? If we come to you with a republican form of Government, and with the necessary amount of population in our Territory, you cannot rightfully reject us." But say the people of the North: "We have the power, and having the power and the will, we declare that Missouri shall not be admitted into the Union of the States. For two years was an active and bitter warfare carried on upon this proposition, and what was the termination of it? The North at length advanced to the people of Missouri and of the South, and said: "If you will accept our propositions of compromise and dictation, then we will permit Missouri to come in." And what are they? That slavery shall never pass beyond the line of thirty-six degrees thirty minutes after that period of time. That it shall

never extend into any portion of that Territory purchased from France and lying north of the State of Louisiana, bounded by the banks of the Mississippi on the east, and the Rocky Mountains on the west, north of latitude thirty-six degrees and thirty minutes. This was the first dictation of the North on the floor of Congress. And then, sir, Missouri, in order to become one of the sister States, was compelled to adopt this proposition, to submit to this dictation, and the South in humiliation and disgrace retreated from the unequal contest. Such was the first aggression of the North upon the rights of the South, and the institution of slavery.

Follow me down a few years in history, and we come to that period of time when Texas asked to be annexed to the United States. Texas was then a portion of the Mexican Republic. She was a revolted province, possessing an independent government of her own, *de facto*, but not *de jure*. When Texas applied for annexation, the slumbering fires of Abolitionism again burst forth, and the whole country was aroused. She, like Missouri, also asked for admission with a pro-slavery Constitution in her hand. She was told what Missouri had been told, and again the States were nearly divided; and not until a humiliating concession is made by the people of the South is the State of Texas annexed to this Union. This, sir, constitutes the second aggression made upon the great and fundamental rights of the people of the Southern States, under the hostile and unnatural encroachments of Northern fanaticism.

Again, sir, invoking the aid of history, and turning over its pages a few years further, and what do we find? After the war with Mexico, when we had acquired the territory we now stand upon, the whole of that beautiful and valuable country now embraced in California and New Mexico, this question is again raised, and the whole country is agitated from its center to its extremities. The people of the North rise in their strength and say that this territory *shall be free*, that Congress shall legislate everlasting freedom into it, and that, no matter who the people may be, or what their wishes may be, who inhabit it or any part of it, they shall have no right, under any state of facts, to establish or introduce African slavery. This contest, which carried the nation to the verge of ruin, led finally to those immortal compromise measures which poured oil upon the bleeding wounds and saved the Union. And to whom are we indebted for those celebrated measures? Henry Clay had then retired from the political arena to his home at Ashland, to prepare for another and a better world; but by the voice of the people he was recalled from his retirement to take upon himself the Senatorial toga. Daniel Webster, one of the greatest conservative Whigs that ever lived in this country, was also in the councils of the nation. And these great men, with Lewis Cass, of Michigan, and Stephen A. Douglas, of Illinois, met in solemn assembly in the Senate of the United States, and after days and days of deliberation they, with the conservative and Union-loving men by whom they were aided and sustained, at length brought to light those celebrated compromise measures, which in themselves were the repetition of that great and majestic principle of

the right of the people to govern themselves—the thorough inauguration of the great national doctrine of Popular Sovereignty. [Applause.] But, sir, we have now of those patriots and statesmen only one remaining to us. Clay has long since been gathered to his fathers, and Webster has followed him. Their voices are no longer heard in the national forum; their advice no longer reaches the ears of their countrymen; Cass has withdrawn from all connection with the affairs of Government, and Stephen A. Douglas now stands alone, the last of them all, in that chamber which has so often resounded with his eloquence. Yes, sir, he stands there still, the proud landmark of his country's glory; he stands there still the guardian and protector of our constitutional rights, breasting the storms of Northern fanaticism and Southern secession, defending with his stout arm and manly heart the Constitution of the United States and the rights of the people against all encroachments, towering in mental grandeur above those around him like a giant of old amidst a race of pigmies; a man who, in all his attributes, is a statesman; one on whose manly brow the Almighty has stamped his patent of nobility. As I reflect, sir, upon the position he has so long and so boldly maintained, I am forcibly reminded of the patriarch Moses, as he stood among the rebellious and enraged children of Israel, defending with his holy person that sacred Ark which contained his everlasting covenant with the Almighty. [Applause.] Yes, sir, Stephen A. Douglas still lives, and to him, as well as to other patriots who now surround and sustain him, we anxiously, though confidently, look for succor and support. [Applause.]

Thus I have shown that upon three of the most solemn and important occasions that have ever arisen in this country the aggressions have come from the North; have been visited upon this domestic institution of slavery, an institution acknowledged by our Constitution, recognized and adopted by our forefathers, by those who laid the corner stone and erected this Republic, by those who sealed upon many a well-fought field, with their blood, the liberties that we now enjoy and that our fathers before us have enjoyed. But, sir, whilst upon this question of slavery, although I stand here as no slavery propagandist, yet I stand here a slavery man, recognizing in all their force and effect the rights of the people in that institution. I reason that it is right upon two propositions. First, because the natural laws controlling soil and climate have made it right. I ask what the people of the Northern States would do without the articles which are produced by slave labor in the South? And I ask, if slave labor was removed from the South, where would you find the white labor to cultivate the sugar plantations of Louisiana and and the cotton and rice fields of the other Southern States? The Almighty has decreed that that work shall be done by slave labor, and it is not for you or me to attempt to fathom the depths of his inscrutible wisdom. Again, slavery is right, because it has existed and been recognized, as is fully proved by the pages of sacred history, for thousands of years. What, sir, is the condition of the slave in the country where it has pleased the Almighty to give him birth? What is his condition under the burning sun and upon the arid plains

of Africa? He is surrounded by barbarism and plunged in the lowest depths of human misery and degradation. Is it not, then, a blessing to him to be transported from those inhospitable shores, to be placed in the sunny and genial regions of the South, and there nurtured and trained and taught the enjoyment of all the hallowed influences and blessings of civilization and Christianity? Thus slavery, in the infinite wisdom of the Almighty, has been one of His decrees, and I, as his creature and servant, bow in humble submission to that decree, without venturing to ask a reason for it.

I have said, sir, that wherever, in the history of this country, it appears that aggressions have occurred, they have universally been directed against the institutions of the South by the people of the Northern States. Not one single solitary instance, I believe, can be arrayed against that proposition. I go further, sir; I say that the people of the North—not in their individual capacity, but in their capacity as sovereign States—have been guilty repeatedly, in the past few years, of open defiance to the Constitution of the United States, open rebellion against the laws of Congress. From Indiana to Maine they have passed laws in direct and positive defiance to the Constitution of the United States—"personal liberty bills," as they are termed, which are distinctly opposed to the Constitution and Acts of Congress of the United States. I ask, sir, what is this but willful and premeditated rebellion? A solemn Act of the Legislature of a sovereign State—Massachusetts, if you will—in derogation to the fundamental law, is passed and fully justified by the people of seven States of the American Union; and in the face of this rebellion, striking at the constitutional rights of the people of fifteen of the sovereign States of this Union, when and where, I ask, has the South ever invoked the strong arm of the Government to protect them from this aggression or compel the enforcement of the laws of Congress in any of those States? Never, sir. But now, when rebellion comes from another quarter, an outcry is heard from Maine down to the shores of the Ohio, from one end of the country to the other, from the east to the west, as far as the continent extends. The very first act of rebellion we find originating in the South raises the cry for coercion all over the Northern States, that the power and strength of the national arm shall at once be raised to crush the dangerous spirit of revolution, whilst rebellion after rebellion has passed by almost unnoticed, when it took place in the regions of the North and among a people opposed to this institution of slavery. [Applause.]

Again, sir, not only have they violated the Constitution of the United States and laws of Congress, by the passage of these bills of which I have spoken, but they have also in other essential and important particulars. Look at the Constitution of the United States, and you will find that it delegates to Congress the power of making all laws in relation to naturalization. Examine the late amendments to the Constitution of Massachusetts, and you will find that in open and direct terms it annuls the Act of Congress passed by virtue of the Constitution of the

United States regulating the question of naturalization. I read, sir, from the article itself:

"No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the Constitution and laws of this Commonwealth."

Thus are the Constitution of the United States and the laws of Congress violated by an article in the Constitution of the State of Massachusetts; and what is this, I ask, but open, positive rebellion? Now, sir, having stated the causes which, in a great measure, have led to the unfortunate difficulties which now surround us, I come then to the right of a State to secede. And here, sir, I announce myself, as I did in the outset of my remarks, as being a Union-loving man. I believe that when the Constitution of the United States was adopted, it was intended to have been irrevocable. And I will cite two important facts which occurred about the time of the ratification of the Federal Constitution, which will demonstrate the proposition to my mind with perfect satisfaction. It was the intention of the State of Virginia, before ratifying the Federal compact, simply to accept it for a given period of time. Virginia made this proposition which was at once and immediately rejected, and Virginia was told that any State which adopted the Federal compact must adopt it forever. And acting upon that proposition she withdrew her objections and at once ratified irrevocably the National Constitution, under which we now and for so many years past have enjoyed unparalleled prosperity.

Again, sir, at a subsequent period, General Hamilton, a delegate from the State of New York, prior to the ratification by New York, wrote to Mr. Madison at Richmond, Virginia, and informed him that as a representative of the State of New York, he announced her willingness to ratify the Constitution for a given period of time, with a right to withdraw from its final ratification in the event that certain amendments which the State of New York desired, were not before that time adopted. Mr. Madison wrote back to General Hamilton, stating that Virginia had made the same proposition, but it had been rejected, and if New York desired to become a party to the National compact and a member of the Federal Union, she had to adopt the Constitution as a whole and irrevocably. These two instances illustrate and confirm the proposition that I have advanced, that the makers and founders of the Constitution of the United States determined this proposition for themselves as well as for us, their posterity, long years ago. And in the examination of the instrument itself I can find nothing which permits a State to secede. There are too many guarantees thrown around the people by the Constitution and laws of the country, the compact by which we have all been united, to permit any State to secede at her will and pleasure, without consultation with her sister States. If you recognize the Constitution of the United States as being simply a legal contract, even then it cannot be dissolved without the consent of all the parties to it. Thus, sir, placing that sacred instrument in the lowest position

it could be required, under any circumstances, to occupy, still neither South Carolina nor any other State has a right to withdraw from the Union, without the consent of all the contracting parties. Carolina belongs to this Union, belongs to this people. Every State is part and parcel of the Union, and belongs to the whole, and no State without the permission of her sisters can retire or secede from the National compact. [Applause.] I cannot at this moment turn to a more apt illustration of the errors which wait upon an opposite doctrine than that which was recently made by Mr. Douglas, in the United States Senate. He remarks:

"I do not know that I can find a more striking illustration of this doctrine of secession than was suggested to my mind when reading the President's last Annual Message. My attention was first arrested by the remarkable passage, that the Federal Government had no power to *coerce* a State back into the Union if she did secede; and my admiration was unbounded when I found, a few lines afterwards, a recommendation to appropriate money to purchase the island of Cuba. It occurred to me instantly, what a brilliant achievement it would be to pay Spain three hundred million dollars for Cuba, and immediately admit the island into the Union as a State, and let her secede and reannex herself to Spain the next day, when the Spanish Queen would be ready to sell the island again for half price, or double price, according to the gullibility of the purchaser." [Applause.]

This exposition of the doctrine of secession shows at once the importance of this question and the impracticability of any State of its own volition seceding from the National Union. But, sir, whilst upon this subject I am compelled to say that I acknowledge the right of revolution to its fullest extent. If it had not been for the exercise of that right, the liberties which we now enjoy, and the institutions under which we live and which have hurried us forward to unexampled prosperity and greatness, would never have existed. Some gentlemen on this floor have denounced the secessionists in South Carolina and other States as being simply a mob, and they have demanded that the mob should be whipped into submission. Sir, South Carolina with the sympathies which now surround her, can never be whipped into submission; not by all the warriors that ever gathered around the banners of the lofty Warwick, or mustered upon a field of battle beneath the conquering eagles of Napoleon. [Applause.] No, sir, two hundred thousand soldiers with glistening bayonets and gleaming swords could never reconquer South Carolina, or compel her to kneel in sackcloth and ashes at the altar of the Union. South Carolina, sir, commands the sympathies of ten millions of people, and such a people as could never be conquered. They might be exterminated, after years and years of war and carnage, but they could never be conquered, and the idea of stretching forth the powerful arm of this Government to compel submission on the part of South Carolina, would be simply impossible. [Applause.] No, sir, there is a better and safer way to reconquer her, and if her brethren in the North had extended to her in years gone by the hand of fellowship, if they had poured oil upon the troubled waters

whenever the strife arose, if they had attempted by love and friendship, by kindness and concession, to bring them back and hold them in a fraternal embrace, it would have been a better and more effective mode than that which the people of the North have chosen to pursue. From the first moment that the question of secession originated in the South, the North has been with jeers and taunts, with ribaldry and ridicule, hurrying on with irresistible fury the present state of affairs. There is no more powerful weapon, sir, in the hands of men, than well directed ridicule. It is more potent than the lever of Archimides, for that only moved the world in fable, or fancy, whilst ridicule does it in fact. And it is the most powerful of all weapons when used against a free people, keenly sensitive on the questions of their honor and their rights.

If the people of the North, when this question of secession first originated, had adopted the doctrine of the humble and lowly Nazarene—"Love one another"—the present state of affairs, in all probability, would never have existed, and we would have had the happy assurance that this bitter chalice had passed forever from our lips.

I speak these things more in "sorrow than in anger;" but

> "The flesh will quiver where the pincers tear,
> The blood will follow where the knife is driven."

It is not for me now to say what might have been the result if precautionary measures had been resorted to in time. I know not what effect would have been produced had the Government of the United States six months ago thrown five thousand men with all the necessary means of defense, into the fortresses of South Carolina; nor is it necessary for me now to argue that proposition. Secession has been precipitated upon us, and we must meet the exigency as it is. But I do say, as my honest conviction, that the first moment that American blood shall be shed upon American soil, by American arms, that moment the death knell of this Union is tolled, finally and forever. [Applause.] No, sir, such is not the course for us to pursue. We must meet the seceding State of South Carolina in a friendly spirit. We must meet all our erring, wandering and unfortunate sisters, with the language of peace, of reconciliation and of love, upon our tongues, and I trust and believe if that course is pursued, in a very short time we will be able to welcome them back beneath our paternal roof. [Applause.] For I believe that when the people of the South are satisfied that the people of the North are no longer determined to wage a war against their dearest interests, they will be willing to meet their brethren of the North with the hand of fellowship, for their history proves them to be brave, generous and forgiving.

I have before declared, sir, that I did not justify secession; that I consider it highly wrong if not criminal; but at the same time I regard the conscience of an honorable man as his best and safest guide. I cannot, therefore, consent to hurl anathemas upon a people, who, I believe, are fully prepared to justify their deeds unto themselves. The greatest of the Republican leaders are free to declare that they believe

the people of the South are honest in their convictions that it is the determination of the party in power to use the influence of the Government to crush out and finally extirpate the institution of slavery on this continent. And yet, believing this, they are unwilling to afford these people assurances of their error. This course of conduct, sir, I pronounce both unjustifiable, unnatural and criminal. Gentlemen have said on this floor that it was only a part of the North, only a few fanatics who have displayed a hostile opposition to the institutions of the South. I deny it; and I do so for the reason that the facts sustain me in the denial. I stand here, perhaps, the only representative who was born upon the soil of Illinois, and probably the only man here who happens to be well acquainted with the two great leading spirits of the day—the President elect of the United States and Stephen A. Douglas. I am familiar with the memorable contest that took place between those two gentlemen for the Senate of the United States, in 1858, when their doctrines and principles were proclaimed from every stump, and made public not only throughout that State, but throughout the length and breadth of the land. And it is only necessary for me to read a short extract from one of the speeches delivered by Abraham Lincoln, to show that the spirit and feeling of hostility to the institution of slavery is deep rooted in the heart of the Republican party. He said:

"*Mr. President and Gentlemen of the Convention:* If we could first know where we are and whither we are tending, we could better judge what to do and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to the slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion it will not cease until a crisis shall have been reached and passed. A house divided against itself cannot stand! I believe this Government cannot endure permanently half slave and half free. I do not expect the Union to be dissolved, I do not expect the house to fall, but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward till it shall alike become lawful in all the States, old as well as new, North as well as South."

There, sir, is a reiteration of views and principles often declared upon the stump in Illinois, and, in my opinion, the doctrine of Abolitionism carried to its fullest extent. There is the "irrepressible conflict," in all its length, in all its breadth, in all its depth, in all its force and effect. This announcement from head-quarters contains a full exposition of the doctrines of the Republican party. (I speak of them as a party, not as individuals, for there are many around me and listening to me now, for whom I have a high regard, "men before the splendor of whose genius and virtues I bow with respectful deference.") But I am prepared to say that their efforts, ever since the memorable conflict of 1819–'20, when Missouri sought admission into this Union, have been in accordance

with this avowal; and ever since that time this unfortunate and hostile feeling has been spreading. Sir, during the late Presidential contest no two armies were ever arrayed against each other on the battle-field with feelings of more bitter hostility than were manifested at that time by the people of the different sections of this Union, all growing out of this solitary subject, this question of slavery. I believe I am fully justified in saying that it is and has been long contemplated by the Republican party to draw around the slaveholding States a cordon of free States, which shall ultimately not only prevent the further spread of slavery, but also, by servile insurrection or in some other way, accomplish its absolute extinction. They do not care to reflect for a moment on the terrible and disastrous consequences which must result from such a course of conduct; gentlemen seem not to reflect upon the fact that such a course, if carried out, must inevitably lead to the final destruction of this national Union, that it must inevitably lead to a war of races, to that worst of all calamities, a civil war, which carries fire and sword to the very hearths of our brethren and friends. Sir, rather than see these States in civil discord, rather than see brother's arm raised against brother, rather than see this land drenched in fraternal blood, I would see the heart-strings of the Union destroyed by consuming fires. [Applause.] No; if we cannot have union in love and peace, we must have disunion. If we cannot have the Union as one harmonious whole, it will be impossible for us to live together as one united people. As well attempt to fasten a putrid corpse to the body of a living man as attempt to force South Carolina to come back and, against her will, be once more a member of this Confederacy. It is not only impracticable, but it is utterly impossible. When gentlemen speak of sending armies into Carolina to compel submission and obedience from her, do they reflect on the fact that every State has retained entire jurisdiction over the subject of murder and treason within her own borders? Do they reflect on the fact that if they send General Scott, with a horde of soldiers under his command, within the limits of the State of South Carolina, to compel her obedience, that when Carolina returns to the Union, and General Scott returns to New York, his hands reeking with his brothers' blood, the Governor of South Carolina has the right to issue his requisition and demand that the General shall be given up to him by the Governor of New York, for being guilty of treason and murder in the State of South Carolina? Yet such is the operation of our laws; and in carrying them out such would be the result of sending General Scott or any other man to South Carolina, to coerce her into submission at the point of the bayonet. If these men are to be treated as traitors, where, I ask, are they to be tried, as the Constitution of each State defines what treason and murder are, and controls the trial of persons for such offenses within her limits. Let them, then, catch a "traitor," as they would call him, in South Carolina; they must try him by a jury of "traitors" there, and what would be the force and effect of such a procedure? It would be simply a farce. No, sir; as I said before, I can find nothing in the Constitution of the United States which prevents secession, nor anything which justifies or

permits

permits coercion. The framers of our Federal compact never thought or dreamed of such a thing as that, under any circumstances short of the right of revolution, a State might secede. If they ever thought of the question of secession at all, certainly they never contemplated the possibility or probability of whipping a seceding State into involuntary submission. This question must be met in another and a very different way—in the spirit of kindness and conciliation. I do not believe that it is one of the decrees of the Almighty that this Union shall be finally dissolved. I believe that all the greatness and the glory to which we have attained have been achieved through the influence and by the power of a consolidated government. I believe that our people know and recognize this fact. True, a portion of them may for a time, and for certain causes, go astray; but, like the prodigal son, they will always return. I do not believe that it rests in the decrees of that Almighty Being who bared the arm of Omnipotence to protect us in the days of our infancy against the aggressions of foreign power, to desert us now that we have reached the years of manhood; to raise us to our present lofty position only that our fall might be the greater. I cannot believe that we have been elevated as a beacon light for the civilized world, in the short period which has elapsed since the origin of our Government—scarcely yet having attained the meridian of our greatness—only for the purpose of making our fall the more deeply humiliating. No, sir; all that is required from us is to be true to ourselves, to cherish feelings of charitable attachment towards each other, and when one goes astray to extend to him the hand of friendship and good will, and thus bring him back, not to meet him with ridicule, scurrility and abuse. Such is not according to the Christian precept. Such is not in harmony with the doctrine on which this great Government was founded.

Sir, calamity follows calamity so rapidly in these degenerate days that God only knows what may ultimately happen. It may be that this Union will be finally dissolved. I have been repeatedly asked, if such a terrible misfortune should overtake us, what my views are in regard to the course California should pursue. In looking at the past history of the people of the North, I am led irresistibly to the conclusion that should a dissolution of these States occur, that they will sooner or later adopt the proposition of an equality of the races. The feelings of the North have been tending to that proposition for years and years gone by. Only a short time since, a vote on that very question was submitted to the people of one of the non-slaveholding States. I believe it is in the course of human destiny that the people of the North will, to a State, adopt the proposition that the black man, the African, deserves all the rights and immunities of a white man. I could never recognize such a proposition as that. I believe this Government was made for white men, for the use and benefit of white men and their posterity in all time to come. [Applause.]

I could never recognize a proposition which is so monstrous as that—a proposition which would place a black man, on whose brow the Almighty has stamped inferiority—upon the broad platform of equality with myself. I would rather remove to the remotest island of the Pa-

cific, and live and die away from home, country and kindred, than adopt such a monstrous, such a foul political heresy. [Applause.] This, sir, answers the question as to what my views are in relation to uniting our destiny with that of the States of the North. I admit that all my affiliations, all my feelings of attachment, all the attractions of the past, all the associations of youth, all the connections of manhood attract me to the people of the South, but at the present time I am wholly and entirely unprepared to say what course I would attempt or desire that the States of the Pacific should pursue in the event of final and immediate dissolution. I fear that we have not the strength to constitute a Government of our own. I believe that we, upon the shores of the Pacific, would be but a glittering prize for the ambition of some of the monarchs of Europe. We have not strength and power enough to establish an independent Government, at all events not at the present time. It would be fatal to all our hopes of future greatness, to pursue such a course with our present limited means, power and strength. Therefore, although I hope this question may never be presented to our consideration—for God grant that the curtain may never be raised which shall disclose to our vision the miseries and misfortunes which lie beyond the Union of these States—yet, if such an event should arrive, I, for one, shall be prepared, if I live to see it, to answer the question fearlessly and determinedly. At present there is no necessity for my doing so; and, therefore, when it has been submitted to me, I have passed it by, as I now do, with but this in reply: "Sufficient unto the day is the evil thereof."

I have already trespassed upon the attention of the House longer than I had intended to have done, and in conclusion I would simply say, as I have already said, that, inasmuch as secession is upon us, inasmuch as the spirit of discord and division is rife throughout the land, it becomes our duty as Californians, as American citizens, to meet the dreadful emergency as we find it. Instead of meeting it with arms in our hands, at the point of the sword and with the glittering bayonet, let us meet it in a spirit of conciliation and sober compromise. The Constitution of the United States, although an instrument as perfect, perhaps, as ever originated with or came from human hands, yet experience has shown that it is not entirely sufficient to protect all the rights and varied interests of our numerous and extended people. Experience has shown that it is necessary for the protection of the institutions of a great people occupying fifteen States of this Union, and numbering a population of more than ten millions of souls, to throw additional securities around their property and to grant additional protection to their rights. When this is done, you give constitutional protection and safety to the whole, the North as well as the South. The Union of these States will thus be made as enduring and unchanging as your own granite hills which resist the billows of the proud Pacific. [Applause.]

Sir, when framed by the hands of our patriotic forefathers, no ropes of sand were used in the erection of our national edifice, but all its parts were knit together with chains stronger than those of steel or iron, links forged in the hearts of an affectionate and confiding people. It is our

duty, then, as the representatives of such an ancestry, to meet this issue and all others which may chance in future to arise, which tend to separate and distract us, as the worthy children of patriotic sires; to meet them always in a spirit of concession and compromise. A National Convention can and should be called, and, by the exercise of a true and proper spirit, all the difficulties now existing may be forever removed, and we can once more unite in one temple, a free, happy and prosperous people. Then, when our wandering sisters shall have returned, and all shall kneel again beneath the protecting ægis of the Constitution, the glad voices of thirty-five millions of people shall be heard announcing the great event in one joyful shout, such as the nations have never heard since the angelic choir in heavenly strains proclaimed the birth of the Messiah. [Applause.]

For the Constitution and the Union—For Compromise and Against Coercion, Force and Civil War!

25750

SPEECH

OF

HON. HARRY I. THORNTON, JR.

ON THE

Resolutions upon the State of the Union,

DELIVERED IN THE

SENATE OF THE STATE OF CALIFORNIA,

AT THE

Twelfth Session of the Legislature, February 8th, 1861.

SACRAMENTO:
1861.

ARGUMENT.

I.—California for the Constitution and the Union.

II.—The Administration not chargeable with the present condition of affairs.

III.—Position of parties: "I am for the preservation of the Federal Union. I deplore the present existing difficulties. I hope that compromise will prevail. I oppose the exercise of force pending compromise. I oppose the exercise of force if compromise fails.

IV.—The cause of existing troubles—the interference of the Anti-Slavery Party with the question of Slavery.

V.—Force opposed, because:

1. States have the reserved right to withdraw from the Union for self-protection when the Constitution is violated—and having exercised this right, the laws cannot be enforced in their limits; and if this right does not exist, because—
2. South Carolina, Alabama, Florida, Georgia, and other States, have exercised the right of revolution and set up Governments of their own, and force would make civil war and destroy the Union, and all hopes of its reconstruction forever. And, because—
3. The authors of the Constitution denied in that instrument, the use of force against people constituting a State. And, because—
4. The result of force would be in any event destructive of our Constitutional Republican Government.

VI.—If the Union is dissolved, and war between the North and the South follows, California should not take part with either in the struggle.

SPEECH.

Mr. THORNTON said:

Mr. PRESIDENT: It seems to me that this matter most particularly arises out of the various resolutions now before the Senate for discussion, viz: Shall the State of California sanction the exercise of military force by the General Government against those States, or the people of those States, which have withdrawn, or which may withdraw, from the Federal Union? In other words, shall we have domestic peace, or civil war? Are we in favor of sustaining the Government by force, or by patriotism? I rise to the discussion of these matters with great embarrassment and regret. I feel almost overwhelmed with the sense of my inability to do justice to the mighty theme, and to this momentous occasion in our history. I also feel great reluctance to speak, because I am but following those upon my own side of this question, the distinguished Senators from Santa Cruz, El Dorado and Mariposa, who have traversed the broad field of discussion and left but little for me to glean, and because the opinions which I entertain will bring me necessarily in conflict with the able Senator from San Francisco, who last addressed the Senate, and with the Senator from Napa, who introduced the main series of resolutions, and who inaugurated this debate with a speech of striking power and eloquence. Yet I am sustained and emboldened by the reflection that while my inexperience and weakness cannot impair, the power of no adversary can destroy, the principles of justice, equality, fraternity and constitutional right upon which I take my stand. I regret beyond expression that these questions have come upon us—that this day has dawned upon the republic—this day, with its dark pall of dissolution. We all are sensible of this regret. I now see it in every eye; it oppresses every thought; it saddens every heart. Yet it is here, and we must meet the responsibility which it imposes.

Never before, in the memory of men now living, has a Senate in the United States been called to deliberate upon more grave and solemn questions. In the midst of a threatening crisis we are called upon by our country, by high duty, and by every sense and dictate of patriotism, to stay the mad career of sectional hate, to beat down the drawn swords of civil war, and to preserve, if possible, what is left, and regain what is lost, of the Constitution and the Union of the United States. [Applause.] If, with judicious and well directed efforts, we should fail in this grand, sacred and sublime undertaking, our consciences and the civilized world could not visit us with reproach; if we should succeed, the proud glory of the achievement and the thanks of coming generations would make an inestimable recompense. I know not how it may be with others, for some, at least, seem disposed to aggravate the present disasters, but in my humble estimation no earthly glory can equal that of aiding to preserve and perpetuate the work of our revolutionary fathers.

We are the chosen Senators of a people attached by the strong ties of filial devotion to the Constitution and the Union of the United States. From them all, and from other regions, came our constituents to build up their fortunes and their homes in this plentiful land, and to establish here a State which might be the admiration of mankind. We cannot forget our parent Union, its many blessings, and, first of all, that it fitted us out with the rich domain which we inhabit. It was obtained by common expenditures and by common arms from a foreign foe. That thankless ingratitude shall never soil the escutcheon of California—that she should forget that, to obtain her soil, from a common treasury came the money which was expended, and that from the North and the South came the army that conquered; that New York was in the war, that Massachusetts was in the war—that she should forget *now* that the Palmetto Regiment and the Mississippi Regiments were in the blazing lines of stricken battle, and covered themselves with the greatest glory of that glorious war. [Applause.] California sprang at one bound into power and place. She became a sister sovereign among the United States of America. She entered into the constitutional compact, into the constitutional Union. She was welcomed in at her request, with open arms. Ever since she has shared in its richest benefits, and participated in its power and glory. The Union has done her no wrong, no indignity, which she remembers. She loves the noble and ancestral traditions of its heroic founders, in whose rich legacy to the human race she shares her part. She cherishes to day the thronging memories of early years at its shrine; she bends under the sense of recollected good it has done her; she rejoices in the blessings it has showered upon her; in the laws, the civilization, the liberty, the letters, the progress, the religion it has given her! Young, proud, exulting in prosperity, buoyant with hope, conscious of inward strength and courage, abounding in all the resources of national wealth and power, she has looked not beyond its pale, but has ever yielded to it the most loyal attachment. She reverences the Constitution. And while these could be maintained—the Constitution in its spirit and

letter, and the Union in its integrity—she would cling to them amid the wreck and the storm. But, Mr. President, how can we declare the deep sorrow with which she deplores the troubles which environ them! How measure her grief as she beholds them falling before the folly, the fury, the fanaticism of their own degenerate children. If, in the madness of base sectional anti-slavery and Black Republican jealousies, the destruction of this Union is accomplished, no consolation will he left her to cheer the first sad days of the great loss; nothing to appease her sorrow as she gazes on the sad picture of the Union in prostrate ruins beneath the rage of civil discussion.

"So the struck eagle, stretched upon the plain,
No more through rolling clouds to soar again,
Viewed his own feather on the fatal dart
And wing'd the shaft which quivered in his heart.
Keen were his pangs, but keener far to feel,
He nursed the pinion which impelled the steel;
While the same plumage which had warmed his nest
Drank the last life-drop of his bleeding breast."

[Applause.]

Mr. President, the Senator from Napa opened the brilliant speech which he made to us the other day, by an eloquent extract from Edmund Burke, portraying in graphic colors the dissensions of the British Empire. He then applied the picture to the present condition of affairs in our own beloved country. Does the Senator remember? If not, I recall it to his memory, that at the very time described in the history of that empire faction held its sway; and if the Senator would apply this picture, and give all the blame of these consequences to the present Administration, I ask him if the black hand of faction had nothing to do with the position of the present Administration? I rejoiced with him when the present Administration, after a great victory over the Republican party, went into power. I rejoiced, and the nation rejoiced. Time rolled on. The troubles which had been bequeathed from the former Administration, and existing in the Territory of Kansas, had been settled, as far as was within the power of the Administration, against Black Republican rebellion, and the Democratic party stood united around its chief and around its Administration. But, alas, at a fatal moment, when, according to all the forms of law, that bleeding Territory emerging from the dark clouds which covered it, sent its Constitution, the work of its Convention, up to Congress; at that time, let the Senator remember it, there was faction in the Democratic camp. A proud and gallant chieftain, upon whose head before that had been showered all the honors and the glory of his party, standing in the lines, saw fit to raise his hand and stab his leader in the back. Mr. President, that was the beginning of all our woe—that brought trouble upon the country, and together with other causes, brought it to its present condition. Douglas opposed the Lecompton Constitution. Having stood within the lines of the Democratic party, he now wrapped himself up, and like Achilles, withdrew to his tent. No, not like Achilles; he stood for a time on the shores of the loud sounding sea, but not satisfied with his inaction, he came back to take a part in the battle. And when he did take part in it, not against the common foe—not against the common enemy; but, forgetting all the doctrines he had himself proclaimed, he led the charge against the Administration and the Democratic party. What has been the course of things since then? He has persistently opposed the Administration; helped to break it down; weakened its power; taken from its control the Congress of the United States; and left thus, and thus alone, if James Buchanan has been unable to keep up that power in the Administration we might have wished, it is not his fault, and it seems to me the blame lies upon the head of Stephen A. Douglas. And I see in the conduct of James Buchanan this to admire, that braving the storm of sectional hate—the storms of Republican party opposition, and of Douglas party opposition, he has stood up against them all and defied them when he thought the rights and the duties of his position demanded that he should. It is not necessary for me to pronounce an eulogium upon James Buchanan. There he stands before the country. He came down to us from a former generation of statesmen. But he was too old. He was in the way of the young—the aspiring—the ambitious—that was his crime—and they had to break him down if possible. Upon their heads rests everything in this crisis of want of power that can be attributed to the present Administration. Now, Mr. President, at this crisis—at this juncture of our affairs we find Douglas, the leader of the Senator's party, coming back to stand by the side of Buchanan upon the position which he has now assumed. It is known that in the opening of this controversy James Buchanan was opposed to the application of force. Now at the eleventh hour we find Stephen A. Douglas come out to take the same position, and so far as that matter is concerned, we all stand together to-day, in opposition to the exercise of force. Now I hope that at this late hour his counsels may be of some avail to preserve the Union and the Constitution, and that these two men, again united, may save the country from civil war.

Mr. President, before entering into a consideration of the causes of the present difficulties, it may be well to inquire exactly where we all stand. I was pleased with that portion of the speech of the Senator from San Francisco, (Burbank,) in which he called Senators to the record and wanted them to declare positively and directly their position. He was explicit. I mean to be explicit, and that I may take no advantage of any of the Senators, I will proceed to state briefly the platform upon which I stand. *I am in favor of the preservation of the Federal Union. I deplore the present existing difficulties. I hope that compromise will prevail. I oppose the exercise of force pending compromise. I oppose the exercise of force if compromise fails.* The Senator from San Francisco (Mr. Burbank) is equally explicit. He says that the Federal laws have been broken. He says: I, as you do, love the Union, and deplore the present troubles, but want no compromise. His resolutions make no mention of compromises. He says, I want no compromises, but I want the strong arm of the Federal Government to execute the law even to civil war. What is the third position—the position of the Senator from Napa? If I read his resolutions and his speech aright, and interpreted them both aright, then I agree with the Senator from Mariposa, that the Senator from Napa must be in favor of the exercise of force, pending the compromises which he has indorsed. Mr. President, if his speech does not advocate that, it becomes a splendid and glittering ambiguity. I appeal, then, from the speech, from this syhilline leaf to the oracle himself, and I ask him here to give me an answer, if he is in favor of the exercise of force, pending compromise, or after compromise to execute the law?

Mr. EDGERTON—I am in favor of the application of such force as is necessary to collect the Federal revenue pending compromises. I am in favor of the execution of the law at all times. I am in favor of the Federal authorities resisting attacks upon it from other quarters—domestic quarters—while compromises are pending. I am in favor of self-defense on the part of the Government.

Mr. THORNTON—I understand the Senator to say he is in favor of executing the laws when resisted, or in present coercion, even to military force, pending negotiations. Now, I call the attention of the Senator to one of the resolutions he has offered:

"*Resolved*, That we approve of, and will abide by, the plan of adjustment of the present difficulties in which the country is involved, as submitted by the Hon. Stephen A. Douglas in the Senate of the United States, on the 24th day of December, A. D. 1860."

We find the Senator's resolution before the Senate in favor of the compromise adjustment proposed by Douglas. What is that compromise adjustment? What does it seek? What does every single line and syllable of it tend to? It is a request for the Republican party to concede Southern rights; to concede them, too, in the face of the present attitude of South Carolina and her sister States of the South. Then what is the position of the Senator? Why, a position advocating the exercise of force against States and people who are in the right. For one, I differ with the Senator. Whenever human *right* raises its arm against any shape of wrong and oppression, I am with it. Then, Mr. President, for the purpose of considering this question and proposing a remedy, let us see what the cause of the present difficulty is. It may be well to probe these matters—although certain Senators in this body are unwilling to lift the veil from the past, but appeal only to the present. The honorable Senator from Napa, who has words for what he called Northern treason, and has war for what he calls Southern treason, never traversed back along the line of our national history to find out who was to blame. I propose to do it; and I will begin by saying that at the time when our Federal Constitution was adopted, heart was welded to heart by the heat of the Revolution: brotherly love held everywhere its halcyon reign; and the patriots of that day representing twelve slaveholding States and one non-slaveholding State, in the spirit of compromise, and upon a basis of concession, established and ordained the Federal Constitution, and put in action the wheels of the Federal Government. But no sooner had the Congress been established—no sooner had the Federal Legislature been created, which might be a common field for the people from all portions of the country to meet upon—than this hated, black, gorgon front of Abolitionism reared there its loathsome head to insult the owners of slave property in the Union. It began at the very beginning; nor did it stop, but traveled on, until in 1837, after bushels of Abolition petitions had been gathered in the halls of the Federal Capitol, until it was so insultingly thrust into the faces of the Southern representatives, that it raised a storm which came well nigh dissevering the Union. We remember that stormy day when the Southern members upon the floor of Congress came near withdrawing, and letting the Union go to pieces. This is not all. In 1820—prior to this—this question of slavery in the Territories of the Union had come up. At that time the State of Missouri sought admission into the Federal Union—having been carved out of territory by the local law of which slavery existed—with a slavery clause in her Constitution. She came with a republican form of Government; with the requisite population; without anything to oppose her immediate admission, but that she recognized slavery in her Constitution; and then this Abolition and Black Republican spirit had grown to be so strong in Congress that she was almost entirely refused admittance into the Federal Union. What was the result? So strong was this party in Congress that the South had to compromise. Was she violent? Was she aggressive then? No; she acted upon the defensive. But Abolitionism was there, violent and aggressive, and a compromise had to be made. And what was that compromise? Why, the South got the State of Missouri. That State, in the exercise of her popular sovereignty, with the Constitution which she had ordained, was admitted—which was nothing but her right. The South asked nothing, got nothing, but had to yield to the North. She had to consent, because of her willingness to compromise—because of her deep-seated love for the Federal Union, and for the Constitution. She had to compromise—and take what? An insult upon the statute book of the Union. A decree which showed that she was no longer equal and able to maintain her rights. She took the Missouri Compromise line. Never, after this, should slavery be admitted into the common territory north of 36 deg. 30 min. Mr. President, I commend the conduct of the South at that day. She yielded for the sake of harmony—for the sake of Union—for the sake of the Constitution, and upon these sacred altars she sacrificed something of her rights. The North—no, *I will not say the North*—but the abolition sentiment at the North was not yet satisfied. Kansas came up—came up with trouble—with difficulty—with every disturbance which abolition ingenuity could contrive to make it troublesome and to make it the cause of agitation. Upon the creation of this new Territory, a new conflict sprang up between the North and the South. In this conflict which ensued, we find that in the beginning, from the very time of the creation of the Territory by the organic Act, the Emigrant Aid Society of Massachusetts commenced a system of shipping to the Territory men armed with Sharpe's rifles, for the purpose of filling the Territory with blood, and murdering the Southern slaveholders who might come upon the soil which partly belonged to them, and thus preventing it from ever being a slave State. It was natural that the Southern States should take arms against this new shape and form of aggression. Heretofore the Abolition party had been satisfied by resisting the rights of the Territories, when having formed a Constitution they demanded admission into the Union, but now they devised a new plan. They started the project of covering the Territory with emigrants, so as to prevent the possibility of its seeking admission as a slave State. Now, Mr. President, it will be remembered that when twelve out of the thirteen States who formed the Federal Constitution held slaves, that in that constitutional compact they made and received guarantees for their own protection. This was a compact then made, at that time established, which guaranteed certain rights to those very States themselves which are now the most opposed to, and in favor of breaking down these guarantees and these ramparts, which were thrown around this species of property. But that has no effect upon them now. The lessons of their ancestors, the compact which was then formed, the rights which their ancestors held under that compact are not remembered in these days of violent party spirit and bitter anti-slavery feeling. I might stop to inquire, is this just? Is it right? After having received its benefits, after having made the compact themselves and received an earnest of its workings, that now, those descended from them, the same States, the same sovereignties, under the control of the Black Republican party, should seek to tear these guarantees out of the Constitution, and trample them under foot. I might appeal to the Representatives of the Republican party here to act squarely in these days of political degeneracy, to act honestly up to the terms of this constitutional contract. [The PRESIDENT *pro tem.* in the chair.] Now, Mr. President, this has become a fixed article in the creed of the Republican party, that when this common territory, belonging to all the sovereign States of the Union in common, belonging to every citizen of the United States of America, exists, fifteen slaveholding States shall not be permitted to enjoy their rights of property there. Not only that, but that all their rights in the Union shall be gathered into a small compass, that they shall be surrounded and closed in by jealous and hostile neighbors, at last covered up in their weakness, and that

none but new free States shall come in to augment the power of the Republican party—all, as I shall show, with the ultimate purpose and design of exterminating slavery even where it exists in the Southern States. This party rose out of the Kansas difficulties to its present power, with the press which is under its power and control—a press which circulates over the world, which carries information everywhere, and which has done everything to poison the public mind and to create the Republican party. With this press they have succeeded in falsifying the record, and building up to its present power and position the Republican party. And here, if I may be allowed for a moment in reply to the gentlemen from Napa, (Mr. Edgerton,) I understand that the South has not complained, does not complain, of a free press. I do not believe—in fact I know—that the Southern people and the Southern States would have no shackle placed upon the liberty of the press. It is guaranteed in the Constitution. It is the press, properly conducted, which is the great lever of liberty. But can we not see that the South does object to its fountains being poisoned, that the South does object to this stream, this bounding and exulting river, as it has been described, running not pure and clear to its ocean home; but muddy and murky, and black with a foul and loathsome sediment. The South does complain that the spirit which controls the Abolition press of the country is false to religion, false to morality, false to those great principles of brotherly love and of fraternal feeling which ought to exist in the human mind. That is what she complains of. She does complain. She objects that perhaps this feeling, this black feeling, has tarnished the silver oar of poetry, that it has turned to a darker hue the purpling sails of every science, that it blackens the thousand barks of morality, of religion, of art, of invention, and of discovery, which are so poetically described to float upon its surface. She does complain that its black sediment, its noxious exhalations should wither up and destroy all the flowers of grace, and the fruits of truth that grow upon its margin. And I think, speaking here my sentiments, that the South has a right so to complain. Now, we find in the platform upon which Mr. Fremont ran for the Presidency, that this cardinal doctrine of political faith was laid down, that he denied the authority of Congress or a Territorial Legislature, or any individual or association of individuals to give legal existence to slavery in any Territory of the United States, while the present Constitution shall be maintained. Also:

"*Resolved*, That the Constitution confers upon Congress sovereign power over the Territories of the United States for their government; and that in the exercise of this power it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism—polygamy and slavery."

There is the declaration of the principles of this party; no matter what right the South has in the common territory, Congress, against the Constitution of the United States, should keep her out. Should that be submitted to? I appeal not only to Southern men, to those in whose hearts there is a feeling to stand up for their rights; but I can appeal triumphantly to the Northern patriots, that gallant and heroic band of statesmen who have never stood the utterance of this foul and fatal doctrine. [Applause.] That same declaration was re-affirmed in the platform upon which Abraham Lincoln was nominated for the Presidency, re-affirmed in almost identically the same words, so that it will not now be denied, it cannot be denied that the exclusion of slavery by congressional intervention from the common Territories is the corner stone of the political faith of the Republican party. But while glancing at this platform, I see another declaration in it which attracts my attention:

"*Resolved*, That with our Republican fathers, we hold it to be a self-evident truth that all men are endowed with the inalienable right of liberty and the pursuit of happiness, and that the primary object and ulterior design of our Federal Government were to secure these rights to all persons under its exclusive jurisdiction."

In this declaration that it is "a self-evident truth that all men are endowed with the inalienable right of liberty," we see words copied from the Declaration of Independence; and everywhere where Abolitionism has its foothold, but one interpretation is given to that Declaration, and that is that the slave in the Southern States is entitled to his freedom—and the absolute freedom of the slave, as he at present exists, under that section of the Declaration of Independence, has been proclaimed by every Abolitionist and by a great many Republican orators—for they are all one now, all a unit in the North. This idea is enforced by Mr. Lincoln, who has been elected to the Presidency. Mr. Lincoln, as the exponent of the Republican party and the representative of its principles, has declared often and over again, in his political speeches, the faith of the party, as enunciated in their platform and as he understands it. In 1858, he received the nomination of a State Convention in Springfield, for the position of United States Senator. At that time, expecting this nomination, and expecting to run against Mr. Douglas before the people of the State, previous to the nomination he had written, and accepting the nomination, read to the Convention a declaration of his political faith. It was not the transient expression of the stump, but the cool, careful and prepared declaration of the statesman in his closet. What does he then say?

"Mr. President and gentlemen of the Convention: If we could first know where we are, and whither we are tending, we could better judge what to do and how to do it. We are now far into the fifth year since a policy was initiated with the avowed object and confident promise of putting an end to slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion it will not cease until a crisis shall have been reached and passed."

What is the crisis? "A house divided against itself cannot stand! I believe this Government cannot endure permanently half slave and half free." What is the crisis? It is foreshadowed there. "A house divided against itself cannot stand. The Government cannot exist half slave and half free." Agitation must be kept up until this crisis is passed. Putting the right construction, then, upon those words, we have Abraham Lincoln solemnly declaring to the world that *agitation* shall continue upon the slavery question until slavery is extinguished in the South. Can any man doubt it? Does any man deny it—that that is his positive declaration? But he does not stop here. He enforces the idea! "I do not expect the Union to be dissolved." Oh, no! The South would not allow it. She had compromised, she had sacrificed at every time in the past upon the altar of the Union and the Constitution, and he believed she'll do it yet. [Applause.] "I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all the one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction, or its advocates will push it forward, till it shall alike become lawful in all the States, old as well as new, North as well as South." At the same time, in all his speeches, Mr. Lincoln declared against the rights of the Southern States in the common Territories. After all this declaration of principle, after all this declaration of what would be the course of events, the election came off, and a purely sectional vote, a purely geogra-

phical party, has elevated Abraham Lincoln to the Presidency of the United States. Soon in his hands are to be placed the emblems of Executive power. He is to have the authority to appoint officers all over the country, and to bring to bear against the slave States, for the purpose of the ultimate extinction of slavery, all the force of the Executive department of the Government. Soon after that—for the decree has gone furth from the Republican party—the Supreme Court is to be remodeled. The present Judges, in the course of human nature, will pass awny to their long home, and then the Executive power is to reconstruct the Supreme Court of the United States, upon the basis of the ultimate extinction of slavery. Further than that, after a while these same majorities of the Republican party, which have broken down the Democratic party at the North, and which have elected the President, are to place upon the floor of Congress a willing and a pliant majority in the hands of this same Executive. Then the power—this third co-ordinate branch of the Federal Government—is to be brought in along with the Executive and the Judiciary, to accomplish the ultimate extinction of slavery. This is all to be done in the Union, all under the protecting ægis of the Constitution as they un lerstand it. What harm can be conceived against the institutions of the South that this anti-slavery feeling, aggressive, violent—thus holding in its hands all the powers of the Federal Government—will not resort to? The Senator from San Francisco (Mr. Burbank) spoke of political death. He spoke of those going down who would not rise again. For one, I did not seek the nomination for the humble place which I occupy on this floor. I do not want political office if it is to be had at the sacrifice of the principles which I entertain. [Applause.] And I say here and now, that I think the South is right in the step which she has taken. [Applause.] South Carolina! Gallant leader of States! As has been beautifully said, the Harry Percy of the Union—has led in a movement—for what? To break down the Constitution and destroy the Union? No! A movement of self-protection—a movement to preserve her rights from being covered up and lost under the ruins of the Constitution, which the Republican party is pulling down over her head. Further than that, I say that the States of the North, that this same Black Republican party rule—or misrule, as Hallett, of Massachusetts called it—have violated a solemn pledge and guarantee of the Constitution to the people of the slave States. They have, every one of them, passed Personal Liberty Bills, nullifying the Fugitive Slave clause of the Constitution of the United States. Now, as I hold, the States under Republican rule have nullified an article of the Constitution, and have thus shown that they will do anything either in the power of the Government or beyond the powers of Government, to accomplish the ultimate extinction of slavery, and to put an insult and injury upon the people of the South. For a long series of years members of the Abolition party have been engaged in the border States in running off slave property from the Southern States—in running it off and preventing its recapture. That has gone on for years, until in these latter daws—the heyday of its present power—it has crossed the line, and we have heard from the State of Texas and along the border, of poisoned wells, of murder, of desolation, and of rapine. More than this. When this thing had gone to blood in Kansas, when it had shown itself in murder in Texas, it became incarnate in rebellion and murder in the John Brown raid into Virginia. That State, proud mother of commonwealths, who gave the broad Northwest Territory to what they may call freedom, for ever, is not safe from hostile invasion. And now they say that the Constitution has not been broken, that no injury has been done to the South; and they go so far as to say—why, it is even urged, "You States South ought not to break up the Federal Union, because we of the border States are bound to deliver you up fugitives from justice and fugitives from labor; and we are bound by our constitutional obligations to sustain you in case of war, and to put down your servile insurrection; and if you go out, we will become a foreign power, hostile, and these things will be carried on to a greater extent." That is a pretty suggestion! No! I say to those members of the Black Republican party, who urge this argument, that an open enemy is rather to be met than an assassin that cowers under the cloak of friendship. I say that better have a foreign nation where you can inflict punishment in case of wrong. Try that a while, since brotherly love does not succeed. We have now had brotherly love; it has accomplished nothing—the property guarantees of the Constitution have not been protected. And if it must come to that; if this spirit is still to animate in all its aggressive forms—let there be a line of foreign power.

I have now glanced at some of the grievances which the South has suffered in the Union. As was remarked by the Senator from Mariposa (Mr. Merritt) these grievances are felt by the people of the South; they are oppressions which weigh heavily upon them. This matter is admitted. It is conceded by a host of patriots and statesmen in the North. It is against this aggressive war that James Buchanan has stood up; against this that Dickinson and Cushing have stood up. In his speech, the Senator from Napa, (Mr. Edgerton) has seen fit, in reviewing these grievancies, to go to a spurious, false, anunymous, hogus declaration of independence, pretending to emanate from South Carolina, and which he dignifies with the term of State paper. He need not have gone to that document to find those grievances. No! They are written in the chronicles of the past. They are to be sought there and not in emanations from the *Tribune* office. They stand up in the history of this country, dark, black, stormy mountain peaks. This is the cause of the present disturbances; this is the reason of the present distraction which prevails in our country, and it is admitted by Mr. Douglas in his speech. It is admitted by Mr. Crittenden; it is admitted by all those who seek conciliation and compromise, that these aggressions have to be yielded up by the Republican party. That admission is clearly made. Now, under these black banners, with power in their hands, incited by what they have already accomplished—the victories they have achieved—these hosts are marching on the National Capitol. In self-protection, South Carolina and her sister States in the South have withdrawn from the Federal compact, exercising a right which she reserved when the Constitution was made—a right which was inalienable. *We in California occupy a neutral position. We want the Union saved. We want these black hosts to be beaten back.* We want the National edifice preserved: and we want to see when new guarantees are inserted into the Constitution if the States which have acted for their self-protection will not come back. This must be the position of California. As we love the Union we must look at some practical remedy for preserving it. Preserve it by force—execute the laws by force—gentlemen say. This phrase of "executing the laws," when it comes in the guise it does, is but a sneaking synonym of war—nothing else. If you intend to execute the laws against South Carolina, you intend to have war: and when war comes the Union is gone, hope is dead—all hopo of reconstruction is lost forever. The Senator from San Francisco (Mr. Burbank)—the Republican party—cry loudly for the Union, for the execution of the laws, after they have broken them up, after they have broken them

down. He comes into the field with a new ally (Mr. Edgerton). *They say the laws must be executed*, and after this record! "Oh! that there was a tax on humbug, a duty on hypocrisy, an excise on solemn plausibilities, a stamp on every man who canted!" [Applause.] The remedy proposed by them is force. Mr. President, it will not do in this emergency to talk of force. I think that it would be injudicious, wrong, unconstitutional to resort to force; because I believe that a State—one of the sovereign States of the Union—has the right to withdraw for self-protection from the Federal compact. That is my belief. I know that members of the political party with which I associate do not entertain that doctrine; but I entertain it. It has been opposed with arguments specious and lengthy, in brilliant tones, by the Senator from Napa (Mr. Edgerton). And, if I may be indulged by the Senate for a few moments, I will give my views in antagonism to his upon this question. Now, I know that I am standing up against the general sentiment of the country, in advocating this doctrine. In years past, an adventitious aid from General Jackson—in a doubtful form when we consider it now—to the old Federal party, gave the opposition to this doctrine some prominence in the country. And now, this old Federal, anti-Jeffersonian, anti-Democratic opposition to this doctrine has many advocates in the land. I think the doctrine is capable of a mathematical demonstration. Its investigation leads us into the history of the Federal Constitution—into subjects that are interesting to us all. I assume that the Government is a created agency of the States; or, in other words, of the people of the States. I contend, and upon the authority of Mr. Madison when he refers to the definition of the term, that by the word "States" is meant the people of the States. When used in this connection, and whenever I use the word States in reference to the formation of the Federal compact, I shall use the word as meaning the people of the States.

Now, let us glance first at history, and see if the people of the States, or in other words, if the States made the Federal Constitution. In the very begining, separate, distinct colonies existed upon this continent. They were separate political communities. They had a distinct existence, and were only connected through the political power of the Crown. After that condition was passed they formed at first a trivial union for the purpose of self-protection and self preservation. It will not be contended by the gentleman that at that time they became wedded into a nationality. In the Declaration of Independence—that sacred instrument—they declared themselves "*free and independent States*," by name and enumeration, each declaring itself free and independent. In the Articles of Confederation the gentleman will admit that the States were separate and distinct political communities. A Convention was called for a change in the form of Government, and for the providing of a Constitution. In the Convention delegates sat who were elected each from a particular State. Not only that, but when the Convention met, upon the floor of the Convention they acted and voted as States. No delegates voted, but the delegates of a State cast the vote of a State. Then the Constitution was written and adopted by that Convention. It was then but a plan—a proposition. Then it was provided that it should be ratified, and it had to be acted upon, ordained and established by the different States or people of the States. How did they do it? They submitted it to a Convention of each State. The people, in a collective national capacity, never passed upon the Constitution. They accepted it by States, ratified, ordained and established it by States acting each for itself, within its State lines, and the States of Rhode Island and North Carolina did not adopt the Constitution until a long time after the rest. That shows clearly that it was the act of each State. Further than this, what does the Constitution itself say? It says in its preamble: "We, the people of the United States, in order to form," etc. "We, the people of the United *States*." Here we drive the gentleman to the miserable subterfuge of a verbal quibble. He says that "we, the people of the United States," meant the people in their grand collective capacity. I say it meant the people of the separate distinct States who voted on the Constitution. And that is carried out further; it does not stop here. In Article 7 of the Constitution itself we find that "the ratification of the Conventions of nine States should be sufficient for the establishment of this Constitution between the States so ratifying the same." Nine *States!* Here it is a compact, a contract *between* States. Is it a great, consolidated, overpowering, oppressive power *over* States? No: a mere contract *between* nine States, if they should ratify it. Here is the language of the Constitution itself, which, it seems to me, ought to settle this matter forever. Before passing on, I wish to ask the gentleman (Mr. Edgerton) a question, and I will read from page five of his speech, as it is in the hands of the Senators in pamphlet form. After speaking of this Declaration preamble, he goes on to say that the preamble did not declare so and so, "on the contrary, the whole people of the Union, acting in the aggregate, as one united, collective people, irrespective of State lines and independent of State Governments, tell us through that instrument, that they made it." This is his declaration. I ask him here, now, to name one single act that the whole people of the United States, irrespective of State lines, ever did? I pause for a reply.

Mr. EDGERTON—The question is a pretty broad one, and, perhaps, for a full and satisfactory reply it might lead me to the occupation of the Senate for some time. I will state generally, however, my view on this, that this ratification clause of the Constitution is merely a definition of the mode in which all the people of the United States, acting together, declared that it should be adopted and ratified. Further, that instead of specifying any particular act which the Government does, irrespective of State lines and independent of State Governments, every single act of the Federal Government is an act of the whole people, performed by the agents of the whole people; and that there is no act of this Federal Government, in all the history of Federal legislation, that is not entirely independent of any State Government, or the people of any State. That is as broad an answer as I can give to this. Instead of specifying the instance, I say, I assert generally that every single act of the Government is the act of the people of the United States, acting as a collective people through their Representatives, and through the forms of the Constitution.

Mr. THORNTON—The gentleman speaks of acts of the Federal Government. I ask for the mention of any action of the people in their collective capacity, irrespective of State lines.

Mr. EDGERTON—I say that, in the theory of the Constitution, no act of Government is performed but that is the act of the people of the United States; that every act which is done under the Constitution I suppose to be an act of Government; that that act of Government is the act of all the people in a united, collective capacity, acting through their representatives and through the forms of the Constitution. Now, I either do not apprehend the force of the Senator's question, or I have satisfactorily answered his question. Do I understand you?

Mrr THORNTON—I asked the Senator distinctly what act the people of the United States, in collective capacity, irrespective of State lines, ever did. He re-

plies that every act of the Government is the act of the people. But it seems to me there is a broad distinction; and I will proceed to show him what I think the distinction is. He has to refer to the agency of the Federal Government to get this to be a collective act of the people. I can show by reference to every single act that is it the act of the people themselves. I trust I have already shown that the *making, the ordaining and the ratifying* of the Federal Constitution was by the people of the separate States. Now I wish to say that I will glance at the different acts of the people under our Federal Government. Do the people vote for President of the United States in a collective capacity? Why, certainly not. We vote for Electors from the State of California, who go on and cast the vote of the State for the President of the United States. There is our Executive officer, said to come from the mass of the people, and elected and voted for by the States. How about the members of Congress? Elected by the people of districts in the States represented on the floor of the Federal Congress, and the Senators elected by the State Governments.

Mr. EDGERTON—Will the gentleman allow me to ask him a question? My interruption will be a short one, because I know it is unpleasant to be interrupted in an argument.

Mr. THORNTON—Not at all unpleasant.

Mr. EDGERTON—I understand you to argue from the ratification clause of the Constitution—if I may so denominate it—that this Constitution is a contract between the States. I call his attention, first, to Article VII: "The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution," etc. I ask him, sir, if, at the date that that Article was framed—if, at the time this Constitution was submitted—there were not, in all these thirteen original colonies, State Legislatures? You admit that fact, do you not? Well, I assert that fact, that there were State Goveanments—State Legislatures, which had different departments—a House of Burgesses in one instance; that they had what they called Representative halls and Senates—bodies equivalent to what are now called by those names. The Government was divided on nearly the same plan as it is here, under which we carry on the Government to-day. Now then, I ask him if the Constitution was intended to be submitted to the ratification of States and State Governments, why the clause does not read: "The ratifications of the *Legislatures* of nine States shall be sufficient?" etc. Does not the word "convention," as the clause stands, show that it was in the contemplation of the framers of the Constitution that it was to be submitted to the action of representatives springing directly from the people to consider this, and for this purpose alone? Does it not reflect upon the Government, in the meaning of its framers, the strong character of a popular Government, and not a State Government? I call his attention to that, because that is my view of that clause. I ask the gentleman's pardon for occupying so much time.

Mr. THORNTON—I am pleased with the gentleman's question, because I think it will assist me to show the error into which he falls. He asks me if this ratifying clause does not show that the Constitution was to be submitted to Conventions of the people, and that hy its not being submitted to Legislatures it was to be the act of the people and not the act of the Legislatures? The whole question rests on the assumption that a State Government is a State, while they are two as distinct things as can possibly exist. The people of the State are one thing, and they have made the State Government a mere agent for exercising certain powers for them. And when this Constitution was to be ratified it was provided that it should be submitted to the people of the States, so that it might be their act, and not the act of their mere Governments and Legislatures. That is the reason of it. Right out of it, out of the very question, and out of the explanation I draw this fact—that it was intended to be ratified by the people of the several States and not by the people in their collective capacity.

Mr. EDGERTON—Will the gentleman allow me one further question? I ask him—waiving now the question whether it is a mere compact, whether it is a mere contract between States—how he disposes of the opinion of Mr. Madison, that, call it by whatever name you may—a constitutional compact, a compact, or a Constitution—that it is, as the language imports, supreme over States, State Legislatures, and all State laws and enactments? I ask him to dispose for me at this time and in this connection of that opinion of one of the founders of the instrument about which we are talking.

Mr. THORNTON—If the gentleman had waited a while, he would have found that that was a portion of my argument, because it is in direct answer to propositions set up in his speech. But I think now, having shown that the people of States have done every single act, and that the people of the United States, in their collective capacity, have never done a single act, and having shown, as I think, that the Constitution provides that in itself it is a contract between parties, I come, as the next proposition, to this of its supremacy. He says that Mr. Madison asserts—ay, he argued in his speech that the Constitution asserts in one of its clauses that it is the supreme law of the land, supreme over States and over State Governments. So he alleges Mr. Madison said, and so the Constitution has said. What, then, has he said? "Supreme in its sphere." The clause of the Constitution is that it shall be the supreme law of the land. Notice the words, "supreme in its sphere." That is the language used by the gentleman himself, running through the writings of Mr. Madison, and all the writings on this Constitution. Then what is its sphere? Where is it supreme? Supreme over the States? States made it; they gave it what little power it has, and the great mass of residuary powers those States reserved to themselves. Not only this, but in sections 9 and 10 of the Amendments to the Constitution, it is provided that "the enumeration in the Constitution of certain rights should not be construed to deny or disparage others retained by the people;" and "the powers not delegated to the United States by the Constitution, nor prohibited hy it to the States, are reserved to the States respectively, or to the people." Very well. Now, whenever anything is done by the Government of the United States within the constitutional sphere, to carry out a right expressly declared and not reserved, then it is the supreme law of the land. But suppose it travels beyond this margin, suppose that the Government which the Constitution has ordained, oversteps the hounds of the powers granted. Then it is void—it is as if no governmental act has been committed. It is as if no Constitution existed. It is only supreme then when it carries out the powers granted, all the rest being reserved.

Now, in the first place, this section is merely declaratory. The Constitution would have been as supreme in its sphere without this declaration as with it. No difference can he made there. Then it has not the force of a mandatory provision of the Constitution declaring something new. In the next place, this right to withdraw from the constitutional compact proceeds on the supposition, on the hypothesis either that the Government has committed an unconstitutional act where there is no supreme law, where it is not supreme, or that the very purposes and objects for which the

Government has been established are not being carried out; or it proceeds upon the hypothesis that the States themselves, as parties to the Federal compact have broken and violated the bond on their part. In either of these instances, this great constitutional right of self-protection by the exercise of inherent sovereignty, exists among the reserved powers, and as one of the reserved rights. Now, Mr. President, I will show further, that my interpretation of this matter is correct. I have glanced first at the facts of history, next to the statements of the Constitution itself. Now, I will travel with the gentleman (Mr. Edgerton) into the realm of authority which he has invaded. It will be seen that the authorities which he cites are those of James Madison and Daniel Webster—none other. Now, at the time when the alieu and sedition laws were passed, which the State of Virginia considered to be unconstitutional, palpable, flagrant violations of the constitutional compact, the state of miud in Virginia was greatly inflamed. The same was the case in Kentucky. At that time Mr. Jefferson, John Taylor of Caioline, and Mr. Madison, were prominent statesmen in Virginia. The State Legislature met. At that time, acting under the weight of affairs of that day, under the presure of the public sentiment of the people of Virginia, Jefferson and Madison gave expression to the opinion of Virginia on this subject, by the writing of their separate resolutions. Mr. Madison wrote this third resolution of the Virginia series:

"That this Assembly doth explicitely and peremptorily declare that it views the powers of the Federal Government as resulting from that compact to which the States are parties, as limited by the plain sense aud intention of the instrnment constituting that compact; as no further valid than they are authorized by the grants enumerated in that compact."

There is the explicit declaration, written by the hand and emanating from the mind of James Madison, and adopted in a solemn conclave of the State of Virginia. That is not all. These resolutions were introduced by John Taylor of Caroline, accompanied with a great and powerful argumeut. They were opposed by the different States to which they were sent. Certain Northern States opposed the doctrine herein asserted; they believed in the strong Federal powers of the Government. This Federal party controlled them. They were in favor of consolidation. They had been indoctrinated to a certain extent by Alexander Hamilton and others with the idea of a great consolidated power, and they wanted to see vested in the Central Government all the power which the States, by positive consent, or by silent acquiescence, might permit. They sent back their declarations, contesting the allegations of the Virginia resolutions. Then Mr. Madison was called on in his retirement. Then, in the proud exercise of all his glorious faculties, one of the very few in the country who was looked to as an expounder of the Constitution, in the making of which he had taken so prominent a part, Mr. Madison deliberately, coolly, with premeditation, writes the report which is appended to these resolutions. The text of his remarks is the third resolution, already quoted, upon which he says:

"The next position is, that the General Assembly views the powers of the Federal Government 'as limited by the plain sense and intention of the instrument constituting that compact,' and 'as no further valid than they are authorized by the grants therein enumerated.' It does not seem possible that any just objection can lie against either of these clauses. The first amounts merely to a declaration that the compact ought to have the interpretation plainly intended by the parties to it; the other, to a declaration that it ought to have the execution aod effect intended by them. If the powers granted be valid, it is solely because they are granted; and, if the granted powers are valid because granted, all other powers not granted must not be valid.

"The other position involved in this branch of the resolution, namely, 'that the States are parties to the Constitution or compact,' is, in the judgment of the Committee, equally free from objection. It is indeed true that the term, 'States' is sometimes used in a vague sense, and sometimes in different senses, according to the subject to which it is applied. Thus, it sometimes means the separate sections of territory occupied by the political societies within each; sometimes the particular governments established by those societies; sometimes those societies as organized into those particular governments; and, lastly, it means the people composing those political societies in their highest sovereign capacity. Although it might be wished that the perfection of language admitted less diversity in the signification of the same words, yet little inconveniency is produced by it where the true sense can be collected with certaioty from the different applications. In the present instance, whatever different constructions of the term 'States,' in the resolution, may have been entertained, all will at least concur in that last mentioned; because, in that sense, the Constitution was submitted to the 'States;' in that sense the 'States' ratified it; and, in that sense of the term 'States,' they are consequently parties to the compact, from which the powers of the Federal Government result."

Now, there is the declaration of Mr. Madison, and the gentleman (Mr. Edgerton) in the course of his argument said that at a subsequent time, many years afterwards, Mr. Madison, in his letters to Mr. Everett and Mr. Webster, disputed and condemned this doctrine of the State of Virginia, to which he himself had given expression. True, that is the fact. Years had elapsed, Mr. Madison then turned back into that Federalism which had in his early years influenced his conduct and governed his opinions, for we all know it is matter of history that when he entered the Convention of 1787, and took part in the formation of the Constitution, he was in favor of a strongly consolidated Government. He went into that Convention and helped to determine that its proceedings should be secret. Further than this, for the purpose of perfecting such a Constitution as would have these powers, various clauses were submitted. They were argued at great length, and Mr. Madison, on every occasion and through all the debates of that Convention, in which he participated so largely, contended for the strongest powers in the hands of the Central Government. When this state of things had existed in the State of Virginia, and he saw that, by a palpable and a dangerous violation of the Constitution, the rights of the States might be trampled upon, then for the time he gave way to what he knew in his heart to be the true nature of the Constitution. In after years when the current of popular opinion ran the other way, he was swept by it again into the federalism and consolidationism of his early history. Now, I have furthur authority. If the speech of the gentleman (Mr. Edgerton) is noticed, it will be found that he nowhere refers to the authority of Mr. Jefferson. He flies now from Madison to Daniel Webster. But it remains for me to know—

Mr. EDGERTON—I would ask if the Senator does not know, as a matter of history, that the doctrine of the right of nullification and seccssion was repudiated by Mr. Jefferson, disclaimed by him.

Mr. THORNTON—I will state to the gentleman that I believe it was disclaimed by Mr. Madison, but I have no knowledge of its being disclaimed by Mr. Jefferson. I do not know that Thomas Jefferson ever recanted his opinions of 1797–8.

Mr. EDGERTON—Let us not misunderstand each other. I did not put it that Mr. Jefferson recanted anything. I asked if the gentleman does not know, as a matter of history, that this construction which he puts on the Kentucky resolutions, which were drafted by Mr. Jefferson, and for which he (Mr. Thornton) contends, was put on these resolutions, and that Mr. Jefferson most expressly repudiated and disclaimed the idea on the doctrine of secession or repudiation of any State.

Mr. THORNTON—I do not. And I would state further that the gentleman gave the subject much research in his former speech and produced no such authority. There-

fore, I believe that Thomas Jefferson never retracted the opinions which he blazed forth to the world in the Kentucky resolutions in 1798-9. Now, I will read from them to show explicitely that this was the doctrine of Mr. Jefferson.

Mr. EDGERTON—I insist upon it, because I do not want it to go before the country that I put Mr. Jefferson in a position of recanting anything. I assert as matter of history, and will demonstrate it when I come to reply to the gentleman, that while these constructions which the gentleman is now contending for were being placed on the resolutions by McDuffie, Hayne and Calhoun, Mr. Jefferson repudiated them, and said they meant no such thing.

Mr. THORNTON—I will proceed to read the express declaration that Thomas Jefferson made in the year 1798. I say to the gentleman, that while I do not wish to place him wrongly on the record, I do not know that Mr. Jefferson ever retracted and denied the declaration which he then made to the world:

"*Resolved*, That the several States composing the United States of America are not united on the principle of unlimited submission to their General Government; but that by compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government; and, that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact each State acceded as a State, and is an integral party; that this Government, created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well as of infractions as of the mode and measure of redress."

There is the express declaration of Thomas Jefferson, in words. There can be no misunderstanding of that. This follows from the very fact and nature of the Constitution itself.

Mr. EDGERTON—Will the gentleman allow me the floor, because I think it falls in here? I disagree entirely with the Senator from Mariposa (Mr. Merritt) that this part of the Constitution is cheap labor. I think it is important. I think the whole question falls on this: What is our Government? And I hope the Senator from Sierra (Mr. Thornton) will understand that it is on that view I ask him this question, and not to interrupt him. I ask him in reference to the question propounded by him to me, what act of the General Government was not done by the people as the people of the States, as separate, independent sovereignties? I ask him what means the enacting clause of all Acts of Congress, when it says: "We, the people of the United States, represented in Congress," etc., if it does not show that they are a collective people?

Mr. THORNTON—I will remark with reference to this last question propounded by the Senator from Napa, that, in the first place, I am very much pleased at these questions, because I think that the investigation of this subject, in all its aspects, cannot fail to maintain the position I assume. Therefore, I hope he will put questions here and hereafter. I do not wish to confine the debate entirely to the Senator from Napa, and will answer his questions whether he puts them of his own motion, or they are sent to him by others upon slips of paper.

I will reply to the question that the title of an Act of Congress, being an Act of the Federal Government itself, cannot reflect any light upon the nature of the constitutional compact; for it cannot be denied that if this is a contest between the Federal Government on one side, and the people of the States, constituting the States, upon the other; that by the language of their acts, and by all their declarations in their own behalf, the Central Government would look to a usurping of the entire power. That is my reply to the gentleman on that point. The declaration of one of the interested parties has no hearing and no effect upon the nature of the question. We are to rise above these matters of declaration by the Federal Government, or of declaration by the States. Here is an issue between them, and we have to sit as judges and decide the questions in the light of facts and of history. Therefore, I care not what the Federal Government may assert with reference to its rights. This a great war which has been waged since the formation of the Federal Constitution between the centralization of power and the power of the States, and for one, I am free to say that I believe—and I attempt to vindicate it here—I believe in the power of the people of the States, and I look with a jealous eye upon all usurpations which might be made by the Central Government. It has been proved true by the history of the world that we have to guard jealously this thing of power. We have to throw around it all the guards which can be conceived by the ingenuity of man, and even then, when let alone, and unwatched, we find it ever has been—as in the instance cited by the gentleman—making a claim and declaration and afterwards following these with constant, often silent, sometimes violent usurpations. This leads me to say that I differ with the gentleman in considering this Government a rope of sand if he gives these powers to the States. If he gives them to the people of the States, there is where they are inherent—there is where the sovereignty begins. It is the people of the States who are sovereign, who made the Constitution, who reserved the residuary mass of powers, and who should see that the Government keeps within its orbit—that they are not borne down by reverence for the Government, following off in the broad domain of power after its dazzling phantoms. The human mind has ever usurped all the power which can be usurped, and I was shocked to hear in the speech of the Senator this declaration, "that this was the first great step in the formation of a great Central Government that was to be one of supreme and absolute dominion and power over the whole Union, for the attainment of all the ends essential to our existence and integrity as an independent and powerful nation." And he follows that up with the declaration that we are "subjects" and owe implicit obedience to the supreme Constitution. Has it come to this, that our mere creature, the mere instrument which we have formed, is our master, and we are but its "subjects?" I differ with the gentleman on that, as wide as the poles. But further, Mr. President: the Constitution of the United States has made no provision against this power reserved by the States—has made no prohibition of that power. You will find in certain clauses of the Constitution that the exercise of certain powers is prohibited by the States themselves, in their compact to themselves, but nowhere appears the prohibition of the exercise of this inherent sovereignty, nowhere. The States reserved it to themselves. They are the final and only judges. They have established no tribunal to settle the conflicts between themselves and their creatures about the holding of power. The gentleman, in one portion of his argument, attempted to establish the position that the Supreme Court was the judge. I assert that there is no such judge established. What clause of the Constitution does he seek to find it in? I will read what he says in his speech: "It declares—the Constitution itself declares—that the judicial power shall extend to all cases arising under the Constitution and laws of the United States." Now, I refer to this matter certainly with no intention to censure, but it is a little singular that when we are arguing

these constitutional questions, and the gentleman in his prepared speech—prepared with pen and ink before him—that when he copies this clause of the Constitution, he should bave copied it in a mere skeleton form, leaving out tbe breath and soul. Do these words appear together at any place in the Federal Constitution? Nowhere. The clause in the Constitution is tbat the judicial power "shall extend to all cases in law and equity arising under the Constitution and laws." "To all cases in law and equity," but the gentleman says, "to all cases." Whon we interpret the Constitution, we must interpret it from the Constitution.

Mr. EDGERTON—I supposed, of course, the Senator would take that remark in the connection in whicb it was made. I supposed that he and I would agree that the Supreme Court and otber judicial tribunals have nothing to do witb anything except with cases of law and equity—witb judicial equity. I did not suppose that the Supreme Court was ever going—as tho gentleman has interpreted me—that tbe Supreme Court was ever going to attempt to pass an Act of Congress—to pass a Revenue Bill, or a force Bill, or anything of that kind. Certainly that is the only meaning with which the clause is quoted in my speech. May I ask the gentleman a question here?

Mr. THORNTON—One moment. I am very happy to hear the gentleman admit upon the record that we must all agree that the Supreme Court, under the Constitution, has no jurisdiction except in cases in law and equity.

Mr. EDGERTON—I would like to have the Senator from Sierra tell us what, in his judgment, the Supreme Court of the United States was constituted for—what was the object of that co ordinate branch of the Government?

Mr. THORNTON—I reply that the Judiciary department of the Government was established as one of the co-ordinate branches for the purpose of deciding any cases in law and equity arising under the Constitution—questions as to rights of property and other rights which might be brought before it. I will state to the gentleman, and as it is getting so late I do not wish to give a more particular enumeration, but will compile and furnish it to him——

Mr. EDGERTON—It is not necessary.

Mr. THORNTON—I am going on to say, in regard to that clause in tbe Constitution—and that will answer the gentleman fully—tbat tbat section applies only to cases in law and equity, and that no conflict between States or between the General Government and tbe States can come under that jurisdiction. "Cases in law and equity" is a technical term, and it has reference only to thoso cases in which parties are amenable to the Constitution. Now, I contend that the States, in political matters, are not amenable to tbe Constitution, and that tbis clause has a reference solely to the exercise of judicial and not to the exercise of political power, and I am sustainod in this position by the language of Chief Justice Marshall, in the Jonathan Robbins case, when arguing in view of this very clause he says, "By extending"—and I call the attention of gentlemen to tbis term "extending"—

"By extending the judicial power to all cases in law and equity, the Constitution had never been understood to confer on that department any political power whatever. To come within this description a question must assume a legal form for forensic litigation and judicial decision. There must be parties to come into Court, who can be reached by its process and bound by its power, whose rights admit of ultimate decision by a tribunal to which they are bound to submit. A case in law and equity proper for judicial decision may arise under a treaty where the rights of individuals acquired or secured by a treaty are to be asserted or defended in Court; as under the fourth and sixth articles of the treaty of peace with Great Britain, or under those articles of our late treaties with France, Prussia, and other nations, which secure to the subjects of these nations their property within the United States; but the judicial power cannot extend to political compacts."

That has been further decided in the Cherokee case, and has been the rule of decision in the Courts, and is tbe law of the country. But by mere construction, by the process of construction the gentleman seeks to draw out of this technical legal expression a power for the Supreme Court which at one fell stroke demolishes the liberties of the people.

Mr. EDGERTON—I wish to ask the gentleman what question was decided in the Supreme Court, in the case of Dred Scott, in reference to the political power Congress to exclude slavery from a Territory. I would ask him if it did not pass upon a question of political power in that case?

Mr. THORNTON—I will state, in reply to tbe gentleman, that I think he has been arguing for about two years that the Supreme Court never decided any such thing. I will wager that he has never mado a stump speech in the State of California in which he has not made that declaration, and has not sustained that declaration of Chief Justice Marsball in tbe Robbins case. [A laugh.]

Mr. EDGERTON—I want to set myself right, just here. I never did assert that the Supreme Court did not decide that question. I never had that hardihood, and I never heard anybody else dispute it. I never heard the defense of the repeal of the Missouri Compromise put upon any other ground than tbat Congress had not the political power to pass any sucb compromise.

Mr. THORNTON—If I were to enter upon a discussion of the Dred Scott decision with tbe gentleman now, we should differ materially, and have an argument of probably two hours length.

Mr. EDGERTON—Postpone that until tho next canvass.

Mr. THRONTON—We will, at the suggestion of the gentleman, postpone that question till the next canvass. I contend, however, that the Supreme Court has no power to decide any controversy between States and the General Government, because tbey are parties not amenable to tbe process of tbe Court, and not within its jurisdiction. That is my position here. I contend at the same timo tbat for the purpose of determining these conflicts, these political conflicts which might arise between a Stato and the Fedoral Government, there is no final arbiter established by the States themselves in their compact or Constitution—none whatever. I am borne out in tbat by the interpretation of the clause given in the language of Chief Justice Marshall, and by the declaration of James Madison in the report appended to tbe Virginia resolutions, where he declares:

"But it is objected that the judicial authority is to be regarded as the sole expositor of the Constitution in the last resort; and it may be asked for what reason the declaration of the General Assembly, supposing it to be theoretically true, could be required at the present day and in so solemn a manner. On this objection it must be observed, first, that there may be instances of usurped power which the forms of the Constitution would never draw within the control of the Judicial Department; secondly, that if the decision of the judiciary be raised above the authority of the sovereign parties to the Constitution the decisions of the other departments, not carried by the forms of the Constitution before the judiciary must be equally authoritative and final with the decisions of that department. But the proper answer to the objection is, that the resolution of the General Assembly relates to those great and extraordinary cases in which all forms of the Constitution may prove ineffectual against infractions dangerous to the essential rights of the parties to it. The resolution supposes that dangerous powers, not delegated, may not only be usurped and executed by the other departments, but that the judicial department also may exercise or sanction dangerous powers beyond the grant of the Constitution; and, consequently, that the ultimate right of the parties to the Constitution to judge

whether the compact has been dangerously violated, must extend to violations by one delegated authority as well as another—by the judiciary as well as by the executive or legislative. However true, therefore, it may be that the judicial department is, in all questions submitted to it by the forms of the Constitution, to decide in the last resort, this resort must necessarily be deemed the last in relation to the authorities of the other departments of the Government—not in relation to the rights of the parties to the constitutional compact, from which the judicial as well as the other departments hold their delegated trusts. On any other hypothesis the delegation of judicial power would annul the authority delegating it; and the concurrence of this department with the others in usurped powers might subvert forever, and beyond the possible reach of any rightful remedy, the very Constitution which all were instituted to preserve."

Now, Mr. President, there is one further argument which, it seems to me, nails this idea to the counter. When the Convention of 1787 was in session, when they were considering with every care the proper powers to be delegated by the people of the States in their constitutional compact, various plans were proposed, various articles were submitted, investing the Constitution with this very power over the States.

"The first project submitted to the Convention (Governor Randolph's) embraced the proposition to negative all laws contrary, in the opinion of the National Legislature, to the articles of the Union, or any treaty subsisting under the authority of the Union, and to call forth the force of the Union against any member of the Union failing to fulfil its duty under the the articles thereof. The next project submitted (Charles Pinckney's) contained a similar provision. It proposed that the Legislatures of the United States should have the powers to revise the laws of the several States that may be supposed to infringe the powers exclusively delegated by this Constitution to Congress, and to negative and annul such as do. The next was submitted by Mr. Patterson, of New Jersey, which provided 'if any State or body of men in any State shall oppose or prevent the carrying into execution such Acts or Treaties (of the Union), the Federal Executive shall be authorized to call forth the powers of the confederated States, or so much thereof as shall be necessary, to enforce or compel the obedience to such Acts, or observance of such Treaties.'" General Hamilton's next succeeded, which declared "all laws of the particular States contrary to the Constitution or laws of the United States to be utterly void; and, the better to prevent such laws being passed, the Governor or President of each State shall be appointed by the General Government, and shall have a negative on the laws about to be passed in the State of which he is Governor or President."

These plans were successively offered to the Convention, and they were all rejected. No such negative, no such authority is vested in the Federal Constitution over the States. They persistently and constantly denied, in the midst of a hot and closely contested struggle, this grant of power. Not only that, but a distinct proposition was made to confer the very power in controversy on the Supreme Court, which proposition failed. This proposition was moved on the 20th of August, subsequent to the adoption of the present provision, which occurred on the 28th of July, and an effort was again made, on the 23d of August, to invest Congress with this negative. Then, Mr. President, after this clause, from which the gentleman argues by construction, had taken its place in the Federal Constitution, the members of that Convention, not regarding it as such a power, sought by every means to get a clause inserted which should grant this power to the Federal Government. But out of that conflict the States emerged victorious. They saved to themselves from the violent grasp of Federal usurpation those inherent rights which they had declared for themselves in the Declaration of Independence. And now, further, after this Constitution was so made, it nowhere declared in its body that it shall be perpetual. The gentleman refers to it as the perpetual source of supreme and absolute power. Each of these words are to be found in his written speech, but where in the Constitution is the declaration that it shall be perpetual? In the Articles of Confederation, which was the form of the Federal Government which they were then in the act of changing, was the declaration that they shall perpetual. And not only that declaration, but it appears throughout the articles:

First: "Whereas, the delegates of the United States of America, in Congress assembled, did, on the 15th day of November, in the year of our Lord 1777, and in the second year of the Independence of America, agree to certain Articles of Confederation and *perpetual Union*."

It appears also again in another enumeration in the articles of confederation. It appears several distinct times in these articles that they were articles of "perpetual" union. With that compact before them, changing it, modifying it, abolishing it, setting up another in its stead, retaining some of its provisions, our forefathers never anywhere penned in the Constitution the declaration that it should be perpetual. What would such a declaration have implied? What effect would it have carried with it? Why, that supremacy which the gentleman contends for. If it was to be perpetual, force would be allowed to execute its negative on the States, but force had been denied. If perpetual, the Supreme Court by the power of construction would have had the right to enslave the people of the States. But there was too jealous a regard for freedom, there was too much of the love of liberty which breathed and burned in the hearts of the patriots of that day, to let this word find its place in the Federal compact. Then, Mr. President, after this desultory and perhaps uninteresting argument, I have thus shown that the Constitution was a compact between several sovereign parties. Those sovereign parties are the States, and they have established no authority to which to apply as an arbiter. Therefore, if the Constitution is violated, or if it shall fail to fulfil the ends for which it was created, it results that the State, acting in the same capacity in which it acted when it ratified the Constitution, can in self-protection repeal its ordinance of ratification and stand an independent State among the nations of the earth. [Applause.] Now, Mr. President, because South Carolina had reserved this right to herself when she entered into the Federal compact, because she has now but exercised it, I contend that she cannot be coerced. Admit this doctrine of the exercise of inherent sovereignty for self-protection, a right reserved when the Constitution was made, and you admit the right of South Carolina to occupy her present position. And if she is a sovereign State, standing now before the world as a nation, shall we declare war upon her? Where is the *casus belli?* Has South Carolina, or have any of those States which have withdrawn—for Alabama has now gone, and others—have they done anything which should be the occasion of war? Nothing. If that compromise; if that peaceable adjustment, which I hope in my heart before the God of Heaven may be accomplished, to preserve the Union and the Constitution; if that compromise fails, and the Black Republican party is bent on destroying the Union, and cannot be arrested in this hellish purpose, then let the difficulties between those States and the other States be settled peacefully, and by treaty. Never let us have an internecine war. [Applause.] Mr. President, if South Carolina has not this right, as one of her reserved rights, then she has exercised her inalienable right of revolution. The gentleman himself does not deny, no one denies, that the people of a State have a right to change by revolution their form of Government when it becomes dangerous to their liberties, or when it becomes oppressive. Then there is no use in quarreling about terms. Call it the right of revolution, that sacred right which was declared in our revolutionary struggle with Great Britain, which was consecrated

by its victories, which was baptized in its blood, which is dear to the patriot's heart throughout the world. Call it that, and South Carolina then, as a State Government, by it has placed herself, by the universal consent of her citizens, in an independent attitude. Then, I say, let us not war against her. Let us not declare war because of that. I see occasion for such revolution. But I believe these States may yet come back into the Union. I hope that compromise may rule. I hope that California may never lose her radiant place in the grand procession of States, marching under the banner of the Constitution, along the luminous pathway of empire. [Applause.] Then, I hope yet for compromise, with new guarantees for slavery, with new protection for it in the Constitution, that all may yet be well. But if it cannot be, let the lost plciad go; let South Carolina go. She is not lost, however. Those in the blackness of darkness, and those in the dim twilight who are behind, may not seek her track as she leaves the constellation that hangs weeping in the northern skies, but we can watch her fiery course, till high advanced in heaven it hangs over the cotton Gulf; and even now we see gathering around her stars of other magnitudes, and they become a new constellation, grand, and grander still, blazing in magnificence upon the world; and beneath it, around the shores of that Gulf, will be built up, where those slaveholders exist, I believe and trust, in the direful event of national dissolution, an empire like that which has covered with immortality and glory, and with all the beauties of art and science, the shores of the Mediterranean. [Applause.] If this must come; if dissolution must come; if the Republicans decree it; if they will it, and if that is the result, I hope that such will be the power and and the progress of that Confederacy. [Applause.] This hope I entertain with no hope against the Northern States; I hope they, too, will prosper. If dissolution comes, and they gather together in a great confederacy, I acknowledge its power, I acknowledge its glory; I would love, and venerate, and adore it still. Let them, each in their separate spheres, retain their powers, and to the end of time perpetuate their separate glory. I am opposed to force. In any event, now or at any time. It will be civil war. The Black Republican party, under the form and guise of a Government, acting against slavery and the slave States! In the language of the Senator from Mariposa—striking, graphic, appropriate language—"it is geographical war." I pray that it may be averted.

Well, Mr. President, in any event, the right of the exercise of force on the part of the Federal Government is denied. What thought the fathers of our Government upon that? When those propositions were made in the Convention of 1787 to give to the Federal Government this power of coercing States, then it was that James Madison observed:

"The more he reflected on the use of force the more he doubted the practicability, the justice and the efficacy of it, when applied to the people collectively, and not individually. A Union of States containing such an ingredient seemed to provide for its own destruction. The use of force against a State would look more like a declaration of war than infliction of punishment, and would be considered by the party attacked as a dissolution of all previous compacts by which it might be bound. He hoped that such a system would be framed as might render this recourse unnecessary, and moved that the clause be postponed."

This motion was agreed to *nem con.* Mr. Madison again said:

"That any government for the United States, formed on the supposed practicability of using force against the unconstitutional proceedings of the States, would prove as visionary and fallacious as the government of Congress. Could the national resources, if exerted to the utmost, enforce a national decree against Massachusetts, abetted, perhaps, by several of her neighbors? It would not be possible."

Alexander Hamilton is reported as follows:

"Force, by which may be understood a coercion of laws, or a coercion of arms. Congress has the former, except in few cases. In particular States this coercion is nearly sufficient; though he held it in most cases not entirely so. A certain portion of military force was absolutely necessary in large communities, Massachusetts was now feeling this necessity and making provision for it. (The Shay's rebellion.) But how can this force be exerted on the States collectively? It is impossible. It amounts to a war between the parties. Foreign powers, also, will not be idle spectators. They will interpose, the confusion will increase, and a dissolution of the Union will ensue."

Colonel Mason is reported as saying:

"The most jarring elements of nature, fire and water themselves, are not more incompatible than such a mixture of civil liberty and military execution. Will the militia march from one State into another in order to collect the taxes from the delinquent members of the republic? Will they maintain an army for this purpose? Will not the citizens of the invaded State assist one another till they rise as one man and shake off the Union altogether? Rebellion is the only case in which the military force of the State can be properly exerted against its citizens. He was struck with horror at the prospect of resorting to this expedient."

We have the coercion of law now, but can this Government by one act be converted into all the horrid deformity of a military despotism? The Federal Constitution has provisions in it which prevent this, even in the case, under the specious pretext alleged by the gentleman from Napa, (Mr. Edgerton,) of executing the laws. How are the laws to be executed? Let us take South Carolina now for instance. They say she has committed high treason. The Senator from San Francisco, (Mr. Burbank,) and the Senator from Napa, both say that. The word grated upon my ears. Let them not apply it to the State of South Carolina, battling to maintain those rights which were bequeathed to her by patriot sires. If they mean it as an epithet of opprobrium, let them not apply it here in this Senate, in the face of the American people, in the presence of that great hero [referring to Washington's portrait,] who struggled under the charge for years, and finally consecrated it in the vocabulary of freedom. I say let them not apply it to South Carolina and to Alabama and Florida and Georgia and Mississippi and Louisiana, now. [Applause.] But they say it is treason. Execute your law with reference to treason. How can you do it? The provision of the Constitution is that it must be done in the State. They may claim that the firing from Fort Moultrie upon the Star of the West was treason. For the sake of the argument admit it. How are you going to punish the men that committed the treason? The Constitution provides that they must be tried in that State; tried before a jury in the district in which the act was committed. And now how futile, how fallacious to expect a jury, gathered in that district, in that State, to convict those men of treason, when they acted under the State Government, under the due allegiance which they owed to that State Government. In firing those shots they were bound by that allegiance; bound by the acts of their State, and you cannot try a State for treason. The State cannot commit treason, and those individuals cannot be convicted of treason. Where are your Judges, your juries, your Marshals, your Attorneys? Where are all the paraphernalia of that Court which is to find treason before the punishment can fall. Again, it is said, collect the revenue under the laws. Where is your power? By blockade? Why, that is a military act not provided for by the Constitution, which says that the ports of a State cannot be interfered with by the Government, nor removed. Several provisions of the Constitution guard and protect against such an exercise of power. Blockade! It is war; it is a declaration of war. War will ensue. Call it what you please—call it by any name of factitious glitter that may have a sacred light in the

eyes of the people—but you cannot change its character. It is war throughout. What would be the good of war. If dissolution is inevitable, let the forts be given up. Let the public property be divided. Why a sectional war? Is there anything in the civilization, in the progress, in the demands of the present age, that requires war? Is there any right that cannot be settled without a war? Where is the occasion for a resort to war?

But, Mr. President, if I may be permitted for a moment, I would like to read, with reference to coercion, under this pretext of enforcing the laws, a sentence or two from the speech of a pre-eminent statesman:

"It is said that the bill ought to pass, because the law must be enforced. The law must be enforced. The imperial edict must be executed. It is under such sophistry, couched in general terms, without looking to the limitations which must ever exist in the practical exercise of power, that the most cruel and despotic acts ever have been covered. It was such sophistry as this that cast Daniel into the lion's den, and the three innocents into the fiery furnace. Under the same sophistry the bloody edicts of Nero and Caligula were executed. The law must be enforced. Yes, the Act imposing the 'tea tax' must be executed. This was the very argument which impelled Lord North and his administration in that mad career which forever separated us from the British crown. Under a similar sophistry, 'that religion must be protected,' how many massacres have been perpetrated? and how many martyrs have been tied to the stake?"

Now, Mr. President, what would be the result of war? God only knows what the result of such a conflict would be; no man can tell. But suppose we had war! Can you subjugate the Southern States, can you subjugate any one of the Southern States, because of her forward attitude upon the question of slavery. We all know that the States of Virginia, and Tennessee, and Kentucky, which yet remain in the Union in the hope of reconstruction, impelled by interest and by the law of nature, would take their part ranged side by side in column with South Carolina and Alabama, in the event of such a war. You cannot subjugate those people. They are powerful, they are strong, and as the Senator from San Francisco (Mr. Burbank) says, they have the munitions of war carefully prepared. Then war could not be successful. The philosophical statesman of Great Britain to whom the Senator from Napa often referred, Edmund Burke, in speaking on a former occasion of subjugating those Southern colonies when they were less powerful than at the present day, in his speech on Colonial Taxation, used this language:

"Where this is the case" (that is, where the institution of slavery exists) "those who are free are by far the most proud and jealous of their freedom. I cannot alter the nature of man. The fact is so. Such were all the ancient commonwealths, and such, in our day, were the Poles—such will be the masters of slaves who are not slaves themselves. In such a people the haughtiness of domination combines itself with the spirit of freedom, fortifies it and renders it invincible."

So it will be to-day; those States will be invincible. If dissolution is coming—and possibly it has come—I believe that no Southern force will ever invade a Northern State, not one. But I can say what I do know, that if the result is that forces from the States of the North should, overcoming the strong opposition that will be made to such a course—an opposition conducted by the good people and patriotic statesmen who live there—if such forces should cross the line, it will be a dreadful and bloody day. And those that cross may thank their God when, in quick and impetuous flight, they save their carcasses from a bloody grave. [Applause.]

Now, Mr. President, I have finished, in this desultory and poorly prepared manner, the expression of the sentiments which I entertain in reference to these questions. My position cannot be misunderstood. I know that my conduct will be misinterpreted—that it will be falsely condemned for what it is not; but I have spoken as accurately as I can what I believe and am willing to stand by. I have come up to the record, as the gentleman from San Francisco requested all to do. And now I have to say, in conclusion, that if that unhappy day has come when the Union goes down, and the Constitution goes down, in a long and hopeless night, leaving, perhaps, the lurid flames of civil war around that spot in the horizon where it goes down forever—that if such is the case, we of California are not without hope. We live here in a State of great area and of illimitable resources, and of incalculable wealth in our mountains; with a fruitful and a fertile soil. Above all, we have a gallant, a free, a warlike people. And I know, come what may in the sad days that are before us—come what may California will maintain her dignity and her position among the nations of the earth. I am not one of those who are willing to de-declare, in the language of the resolutions on that table offered by the Senator from Yuba (Mr. De Long) that our only safety is in the Federal Union. A free and warlike people know no such word as "safety." Where freedom calls, where liberty leads the way, there we will go, not counting the cost, not caring for the consequences. And if, on the other side, Pennsylvania and Virginia—the great lobes of the Federal heart—should separate and political death should ensue, I hope that the genius of Plymouth Rock and of Jamestown, the genius of the Revolution, the genius of the Constitution, the genius of the early days of the Republic, folding its bloody robes around it, will come across the rivers, across the mountains, and take up its home in this great land, and live and abide in this refuge, in this resting place, among the great pillars, and under the massive arches of the constitutional edifice of a Pacific Republic, which will endure for aye, and preserve and shelter it in all coming ages. [Great applause.]